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JOURNAL OF HENRY COCKBURN

JOURNAL

OF

HENRY COCKBURN

BEING A CONTINUATION OF THE

MEMORIALS OF HIS TIME

1831-1854

VOL. II.

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CHAPTER X.

1843-1844.

6TH FEBRUARY 1843. A Royal Commission has just been issued for inquiring into the condition of the poor and the state of the law in Scotland respecting them. The Commissioners have perhaps not been selected so wisely as they might; but Lord Melville's being at the head of them is a sufficient guarantee for the whole. A more industrious, business-like, sensible, and candid chairman could not have been got or indeed fancied.

This is a measure which will probably shiver all our long-cherished visions about the perfection of the Scottish system of pauperism. At present I adhere firmly to the principles of that system, *if they be rightly applied.* But whether, under the stinginess of heritors wishing only to give nothing, and the negligence of kirk-sessions anxious to avoid trouble, they have been so applied is a different question. Undoubtedly the coming inquiry will reveal shameful inadequacy of provision either legal or voluntary, the folly of only assessing land in country parishes, and

the incapacity of all human efforts to relieve the distress of a manufacturing population thrown suddenly idle by depression of trade. Many things have concurred to bring our system to a crisis. Dr. Alison's pamphlet arrested the public attention powerfully two years ago; the discussions, meetings, and projects which this produced have never ceased; the great masses of poverty by which every spot blasted by manufactures is now borne down have roused terror as well as pity; and the general anticipation (confirmed within these few days in a case from the parish of Ceres) that a majority of the Court of Session would, for the first time, sustain the competency of the Court to control heritors and kirk-sessions in the *amount* of their relief, went far to satisfy even heritors that a revision of the law was indispensable.

Of all the new features of modern society in Britain, none is so peculiar or frightful as the hordes of strong poor, always liable to be thrown out of employment by stagnation of trade. There have been above 10,000 of them in Paisley for more than a year; and a similar cloud darkens every considerable town in Scotland. In Edinburgh, besides its fullest complement of ordinary distress, we have a battalion of at least 1200 of what are now known by the almost technical term of "Unemployed Poor." Work (generally useless and often mischievous) is invented for

these men (for the whole 1200 are males, many of them with families); but as there is really nothing for them to do, they work languidly and idly, knowing perfectly well that it is not for their labour but for their poverty that they are paid. And, being congregated in numbers, and distinguished by a title, they form a separate class, a new state. No doubt there are many good people among them, but their position does not tend to improve them. They are more lazy, more unreasonable, more reckless, than when they had nothing to depend upon but their own exertions. The alarming circumstance in their condition is, that they have discovered that their number is their force. Instead of resorting to places less distressed, and there getting themselves absorbed obscurely into the ordinary population, they prefer towns, where the magnitude of the evil has terrified the authorities, and produced compulsory subscriptions and earnest applications to Government. Paisley, from the precarious nature of its fancy manufactures and the character of its people the worst town in Scotland, is their favourite resort; while they shudder at the word Aberdeen, where, though much better attended to, they are not acknowledged as a distinct class. They are gratified by appearing in their corporate character, not merely from pride, but because they see that number and unity best secure relief, and, if carried far enough, make them irresistible. Indeed, what answer can be made

to 10,000 people who violate no law, but simply stand on the street and say truly—We have no work. They know that they won't be allowed to die there, and provided they live, the difficulty, the sacrifices, the discussion, the terror, and the apparatus by which they are supplied, only increase their importance in their own eyes. Scarcely one of them enlists—I believe in Paisley almost literally not one; and their aversion to undertake ordinary labour at higher wages makes it certain that they prefer lounging, as public characters, on sixpence a day, to toiling privately on a shilling. Hitherto they have behaved peaceably, but they are excellent materials for the demagogue. The sufferings of the class just above them—of those who are struggling to avoid falling down to public destitution, have been very severe, and have been endured with the most honourable patience. The silent misery, the ungrudged sacrifices, and the unnoticed exertions of this whole layer of the community ought to raise our estimate of its virtue.

This is an entirely new element in the population, and the prospects it conjures up are terrible. Are we *ever* to get the better of it? We may possibly get the better of this as of any other individual crisis; but can we or any highly manufacturing community expect to be ever free of the risk of the constant recurrence of such scenes? Until machinery shall be so perfect as that it can dispense with human limbs

almost entirely, and until the generation which shall witness its perfection shall have passed away, are not millions of starving people the necessary occasional sloughs of a very manufacturing nation? Whatever political economy may predict for distant futurity, I see no visible prospect of this country being unafflicted by this scourge. It was only about the end of the American war that the spring-tide of our commercial prosperity began to flow. After this, twenty years of a war, which closed every port in Europe to every vessel except our own, gave us the almost exclusive trade of the world, and for about ten years after the war ceased there was no such competition, though it was rapidly rising, as could shake our supremacy. During all this period, extending from 1785 to 1825, it was our monopoly of the steam-engine that made us. There were then probably more of these wealth-producers in Glasgow than in all the continent of Europe. That monopoly is now gone for ever. A richer world may make us a richer people, but still we must feel its vicissitudes, which, if it be a world whose wealth depends mainly on manufactures, must be as periodical as our own; and therefore I see no ground for expecting that, so long as we are a nation of manufacturers, we can even be uncursed by these heartrending visitations —visitations which are bad enough as productive of misery, but far worse when viewed as instruments of political danger.

The only fact (if, as I believe, it be a fact) which consoles me is, that the deposits in the Saving Banks are steadily on the increase.

14th March 1843. On the 7th inst., the Hon. Fox Maule, in the House of Commons, moved for a Committee of the whole House, to take the situation of the Scotch Church into consideration. After a debate of two days, the motion was rejected by a majority of about 135. The new Auchterarder and the new Strathbogie cases were settled on the 10th inst.

Strathbogie (Cruickshanks against Gordon) was an action by the deposed seven for getting the ecclesiastical sentence of deposition set aside by the Court of Session! There is no living man to whom it could have been made credible five years ago that such a claim could have been seriously made. Whatever might have been supposed to be the grounds of the action, no man could have fancied that the Civil Court had any jurisdiction to reduce, *quoad spiritualia*, a sentence of deposition by the General Assembly. However, the jurisdiction has not only been pleaded gravely, but successfully. The objection to the jurisdiction has been repelled; and this merely because the Court differs from the Church as to the grounds of the deposition. The Church thought its seven sons rebellious, and therefore cast them out; the Court

thought their rebellion a virtue, and therefore claims jurisdiction to review, and will ultimately reverse, their ejection; and this, although one of the offences for which these men were punished was contumacy or contempt, which it is commonly held that no court can judge of except the court contemned.

It was not easy to go beyond this; because if the Court can make ministers of those the Church has unmade, why can it not make those the Church refuses to make, and thus supersede the Church altogether, and take the whole matter into its own hands? Yet it did contrive to go one step further; for in the case of Auchterarder, the Court have actually decided that the minority is to be held the majority of the Presbytery. They have not prohibited the majority from attending the meetings for the examination and admission of Mr. Young, the presentee; but they have done worse, for they have allowed them to act, but only on condition that they do what the Court desires —that is, nothing that can be held an *obstruction* to the presentee's settlement; and, if they choose to stay away, the minority may proceed without them. In short, *quoad* this settlement, the whole authority of the Presbytery is vested in the minority. Lord Cuninghame thought that as those willing to act legally were overpowered by those determined to act illegally, the Court might proceed as in ordinary cases where there was a vacancy produced by accident or

violence in any *civil* office, and that though it was better to let the minority act *as by a devolution from this Court*, it was quite competent for the Court to appoint the business to be done by *anybody else*; (we suggested the macer). I don't yet know the exact words of the judgment, but this was its substance.

Both of these interlocutors were opposed by the former minority; consisting of Jeffrey, Moncreiff, Fullerton, Ivory, and myself. But I rather think that we shall prolong the struggle no more. We must yield to authority at last; we must as Judges now hold that the Church has *no exclusive jurisdiction whatever*. Yet this is so clearly against law, and so utterly subversive of our ecclesiastical system, that it may be predicted with absolute certainty that all these judgments will be retreated from; and this, perhaps, by the very individuals who have pronounced them. For what they say now is, that they mean them only for this particular case of what they call "*abused powers*." The Church, they say, has not been exercising but abusing its authority —a fact which is assumed, because the Court thinks the Church wrong in its law and in its objects; and although these Judges correct the abuse, they profess the profoundest reverence for the *properly exercised* power, that is for the power when exercised according to the Court's view of propriety. This I can already espy is the door through which, after serving their

turn, these decisions are hereafter to be escaped from. Whenever the season of prejudice shall have passed away these judgments will receive that correction which is implied in the fact of inconsistent judgments being then given. Let no future minister steal or contemn in the faith that, if in punishing him the Church goes wrong, the Court of Session will put it right. Meanwhile, the Star Chamber never made greater encroachments on the common law of England than the Court of Session has made on the ecclesiastical law of Scotland.

Yet so purely and utterly Scotch is all this matter, that it can never be discussed before strangers without the arguments against the Church appearing more plausible than the arguments for it. In particular, the case in its truth is not pervious at all to the English understanding. Hostility to patronage has never been a popular feeling indigenous in their Established Church. The independence of ecclesiastical courts is an idea that cannot arise in a Church which acknowledges the Crown as its head. The mere claim of a right to reject a presentee without giving good reasons is incomprehensible to an Englishman. Yet he can easily understand why popular electors should be allowed to reject a parliamentary candidate without either giving or having any reason except their dislike of him. Indeed, the demands of the Church of Scotland, however clearly founded in law and in statute

law, are so peculiar, and so little like anything else in our modern political system, that it may really be doubted whether ours be a Church that is now compatible with a connection with the State. Has it outlived its age?

All hope being excluded even from Parliament, I presume that the new secession must proceed; but I don't expect the fracture till May, when the majority of the Church will probably cast off the State.

26th March 1843. How delightful the Memoirs of Francis Horner just published! No one ever raised a more honourable or appropriate monument than the editor has done over the ashes of a brother.

Though I never corresponded with Horner, I knew him well all his life; and this publication recalls so many past scenes and days, that in reading it I feel as if I were living half of my own course over again.

The only defect of his letters is that they are too uniformly wise and correctly composed. But so was the man. I wish that more of his sentiments on Scotch matters had been disclosed, and that we had been enlivened by more from the aerial pen of Jeffrey.

It is impossible not to smile at the universality and generosity of Horner's ambition, even while we admire it. Nothing short of the possession of all knowledge and of all eminence whatever could satiate his imagination. In the studies which he sketched and sighed

to prosecute, law and politics in their profoundest depths were mere episodes. Languages, metaphysics, mathematics, chemistry, literature, and at one time anatomy, were all indispensable for the great character and the vast ends at which he aimed. And even all these were insignificant compared to his unceasing study of himself. The systematic constancy of his efforts for the improvement of his own nature, both intellectually and morally, is perhaps without example. This self-education began with the first dawn of his reason, and continued literally till within at least six days of his death. Yet I am satisfied that he would have been more powerful at last if his anxiety about himself had been less, and his enthusiasm more select. His is another of the many examples of the injurious tendencies of wishing to attain more than what is attainable. The wish may be generous, but in its practical results it rather depresses than exalts. It prevents concentration, and deludes by dreams. Seymour who, after twenty years of study, did nothing, and Mackintosh who lived to sixty-seven and did something, but not nearly so much as he ought to have done, had both the habit of wasting themselves in the same pleasing dissipation of schemes noble to be formed, but too immense to be seriously attempted. The visions of all the three, however, but of none of them more than Horner, were dignified by the perfect purity and benevolence of their projected means and objects.

He had a taste for glory certainly, but chiefly in reference to the present or distant improvement of mankind.

5th April 1843. The Church, having received its quietus from the Commons in the beginning of March, had the same satisfaction from the Lords on the 31st.

On that day Lord Campbell (who on this occasion was his own constituent) brought forward five inane resolutions. Divested of some phraseology, their meaning was this—

1st, That "this House is desirous that the Church of Scotland shall freely and peaceably possess and enjoy her rights, liberties, government, discipline, and privileges, according to law, in all time coming." (This is all that the Church desires.)

2d, That "she" (for they always make it a lady) "is an excellent Church." (No doubt; but there are many truths which it would be idle in the Lords to confirm by resolutions.)

3d, "That with a view to heal the unhappy discussions which now exist," etc., "this House is of opinion that the demands of the Church should be conceded by the Legislature, *in so far as the same can be safely conceded*," etc.; and that "when any measure for correcting the alleged abuses of patronage, etc., shall be constitutionally brought before this House, this House will favourably entertain the same, and anxiously endeavour that the end of the said measure

may be attained." (A very safe resolution, which, in order to save trouble, might be conveniently set down as a standing order; for is there *any* abuse for the correction of which the House of Lords will not *always* favourably entertain *any* remedy constitutionally brought before it? After these flourishes his Lordship came to *the* points, patronage and jurisdiction.)

4th, "That the demand of the Church that patronage be *abolished* as a grievance is, in the opinion of this House, unreasonable and unfounded, and ought not to be conceded." (No hope held out of any *mitigation* of patronage. The meaning of the resolution was that patronage shall be maintained as it is.)

5th, That the Church's claim of exclusive spiritual jurisdiction is "unprecedented in any Christian Church since the Reformation, is inconsistent with the permanent welfare of the Church and the existence of subordination and good government in the country." (No wonder that he thinks so, for here is his statement of the nature of the Church's claims)—"The demand of the Church that the law *shall be* framed so as to give the Church Courts *absolute* authority *in every case* to define the limits of their own jurisdiction, without any power in any civil court *in any way* to question or interfere with their proceedings, decrees, or orders, *although they may exceed their jurisdiction*, and in suits professedly spiritual may treat of *civil and temporal* matters, and *may violate the statute and com-*

mon law of the land," etc. (It is a pity that he did not state where he found this demand as a demand by the Church; for its whole case on this point is that UNDER THE LAW it has a *certain portion* of exclusive jurisdiction in matters strictly spiritual, and to strictly spiritual effects; whereas the past judgments of the Court of Session imply that even to such effects it has not one single particle of exclusive jurisdiction. To represent the Church as claiming that it should be indulged with a *new* law empowering it to *exceed* its jurisdiction, and to *violate statutes* with impunity, was unworthy. Yet this is what England is told.)

The whole resolutions were rejected without a division, on the just ground that, without being meant to be applied to any immediate practical result, they committed the House to abstract propositions which were either vague or premature. But they produced a very important and conclusive debate, of which the following were the most material features—

1st, The speakers held it to be clear that, even though some redress were due, none should be given until the Church should obey the existing law. "If (said Lord Brougham) I were ever so certain that the resolutions would have the effect of settling the question at issue, I would say—pause, hesitate, do nothing whatever, take no steps, say not a word, until the law as it exists is obeyed (cheers). He would not be a party to the suicidal, to the self-destructive folly of

giving men new laws to break until they had consented to obey the old law." "*The wrong-doers* must first abandon their evil courses" (cheers). This essential blunder has pervaded all the views both of Government and of its Parliamentary supporters throughout the whole of this case. They uniformly mistake the clergy for the Church, and the majority of the clergy for the whole; and they treat the matter as if it were merely a dispute between Government and that portion of the clergy which is refractory. They never consider the country or the people. But is it any reason for not amending a law which is so bad that some are provoked to disobey it, that though this amendment may be just towards others, it implies concession to the wrong-doers? When respectable people wish to check smuggling by a law which shall abate the cause of this offence, would it be rational in a Government to say that it must first have the old law obeyed by the smugglers?

2d, It has never been decided in the Court of Session that the *unsuitableness* of a presentee to the parish was not a fact on which the Church *might* reject.

Some *doubt* has been expressed of this recently; but there has been no decision confirming the doubt, or rather the casual indications of doubt. On the contrary, the understanding that even unsuitableness was a relevant objection has been repeatedly stated, even

from the Bench, as an answer to all the plausible objections to patronage. Dr. Cook and the Moderate party have frequently announced in formal resolutions that it was *competent* for the Church to reject on this ground. Government, in its late famous manifesto by Sir James Graham, announces this to be the principle, and deduces from its being so its most plausible argument against the desire of abolishing patronage. In this very debate Lord Aberdeen and Lord Haddington, Scotchmen who have always taken a lead in this matter, approved of this part of the epistle of James to the Scotch. And no wonder, for it is notoriously agreeable to the Church's practice, as has been shown in the case of presentees *qualified*, in the new sense of this word, but, from ignorance of Gaelic, weakness of voice, blindness, or any such defect, unsuitable. Yet in the face of all this do Lords Campbell, Brougham, Lyndhurst, and, to the surprise of everybody, Cottenham, take this occasion to announce authoritatively that this is not the law, and that they, as *law lords*, held the exclusion of a presentee on any such ground as inconsistent with the patron's right. Now this produces two results in Scotland.

It shows the people, in the *first* place, another example of the rashness in which, there as here, the law on this subject is administered. What right had the law lords to commit themselves to any opinion on a point of Scotch law and practice, on which they saw

that there was a difference, and which was by no means unlikely to come before them judicially, without professional discussion. Yet the Non-intrusionists are told to respect the law! In the *second* place, if these learned persons be right, all the evils of patronage are aggravated and sanctioned.

3d, Peel, very naturally and honestly, said in the Commons that one of his reasons for being hostile to the claims of the Church was, that if he yielded to these claims on one side of the Tweed, he might soon be obliged to yield to them on the other. This, spoken on the 8th of March, had had time to operate in Scotland; and the principle that the Church of Scotland is to be dealt with so as to accommodate the Church of England had produced considerable discontent and indignation. But the Lords have now confirmed and repeated the sentiment. Lord Aberdeen, who was unwilling to have it believed that his Scotch nature was obliterated, had professed himself to be in one sense a Non-intrusionist. "Yes," said Lord Brougham, "his noble friend seemed to accept the appellation. What! Would he have that principle not only established in Scotland, but carried south of the Tweed? Would he have it eat into our English system? Would he seek *by means of it to destroy our Erastianism?*" It must be very satisfactory to the Moderates to be thus told from the highest place that Erastianism is to be upheld in Scotland lest it be injured in England.

4th, Throughout all this discussion the Peers outdid all their former doings in ignorant hostility to our Church. Professing in words to "keep the door open for reconciliation," they shut it and nailed it up, and in terms purposely offensive.

So farewell hope from Queen, Lords, and Commons. We shall see what a few weeks will produce. It looks at present doubtful how the majority will stand next Assembly. If the Moderates have it, all that has been done will be undone: if they have it not, the civil power will probably be appealed to to eject the *quoad sacra* members corporeally and by force. This will probably lead to a separation into two Assemblies, one of which will be adopted by the Commissioner, and the other will for ever renounce both him and the State. Anyhow a secession is certain; more respectable, probably, in character than in number.

The General Assembly meets, I think, on the 18th of May. Then for the crash!

8th June 1843. The crash is over.

The event that has taken place was announced so far back as November, when the Convocation proclaimed that their adhering to the Church would depend entirely on the success of the last appeal they meant to waste upon Government and Parliament. These appeals had failed, and all subsequent occurrences flowed towards the announced result. On the

two Sundays preceding the Assembly hundreds of congregations all over the country had been saddened by farewell sermons from pastors to whom they were attached. The general belief that there would be an extraordinary move, combined with the uncertainty as to its exact time and form and amount, had crowded Edinburgh with clergymen, and had produced an anxiety far beyond what usually preceded the annual Assemblies of the Church. If the *quoad sacra* objection could have been disregarded in examining commissions, it is believed that the Moderate party would have still been in the minority; and in reference to this state of matters there was much speculation with respect to what was to happen. Will the Commissioner (the Marquis of Bute) attempt to dissolve the Assembly? Or will he recognise the minority as the Assembly? Or will interdicts against the *quoad sacra* ministers taking their seats be enforced by the police? Such conjectures deepened expectation; but they were all speedily set at rest.

Dr. Welsh, Professor of Church History in the University of Edinburgh, having been Moderator last year, began the proceedings by preaching a sermon before his Grace the Commissioner in the High Church, in which what was going to happen was announced and defended. The Commissioner then proceeded to St. Andrew's Church, where the Assembly was to be held. The streets, especially those near the

place of meeting, were filled, not so much with the boys who usually gaze at the annual show, as by grave and well-dressed grown people of the middle rank. According to custom, Welsh took the chair of the Assembly. Their very first act ought to have been to constitute the Assembly of this year by electing a new Moderator. But before this was done, Welsh rose and announced that he and others who had been returned as members held this not to be a free Assembly—that, therefore, they declined to acknowledge it as a Court of the Church—that they meant to leave the very place, and, as a consequence of this, to abandon the Establishment. In explanation of the grounds of this step he then read a full and clear protest. It was read as impressively as a weak voice would allow, and was listened to in silence by as large an audience as the church could contain. Whether from joy at the prospect of getting rid of their troublesome brethren anyhow—which they professed, or from being alarmed—which to a great degree was the truth, the Moderate party, though they might have objected to any paper being read even from the chair at that time, attempted no interruption, which they now regret. The protest resolved into this, that the civil court had subverted what had ever been understood to be the Church, that its new principles were enforced by ruinous penalties, and that in this situation they were constrained to abandon

an Establishment which, as recently explained, they felt repugnant to their vows and to their consciences.

As soon as it was read, Dr. Welsh handed the paper to the clerk, quitted the chair, and walked away. Instantly, what appeared to be the whole left side of the house rose to follow. Some applause broke from the spectators, but it checked itself in a moment. 193 members moved off, of whom about 123 were ministers, and about 70 elders. Among these were many upon whose figures the public eye had been long accustomed to rest in reverence. They all withdrew slowly and regularly amidst perfect silence, till that side of the house was left nearly empty. They were joined outside by a large body of adherents, among whom were about 300 clergymen. As soon as Welsh, who wore his Moderator's dress, appeared on the street, and people saw that principle had really triumphed over interest, he and his followers were received with the loudest acclamations. They walked in procession down Hanover Street to Canonmills, where they had secured an excellent hall, through an unbroken mass of cheering people, and beneath innumerable handkerchiefs waving from the windows. But amidst this exultation there was much sadness and many a tear, many a grave face and fearful thought; for no one could doubt that it was with sore hearts that these ministers left the Church, and no thinking man could look on the unexampled scene and behold that the

temple was rent, without pain and sad forebodings. No spectacle since the Revolution reminded one so forcibly of the Covenanters.

It had been surmised that the Queen's letter would heal every sore. "Why secede before you hear the Queen's message? It is not to be a common one. No sane man can go, if he will but hear it." Well, it was heard by several who, to the great risk of their reputation, adhered to the old firm till the oracle spoke; immediately after which they joined the swarm at Canonmills. And no wonder. For after all the preparation and promises, all that Her Majesty was made to say on the two vital matters of patronage and the *quoad sacra* was contained in these three clear and dignified sentences—"You may safely confide in the wisdom of Parliament, and we shall readily give our assent to any measure which the legislature may pass for the purpose of securing to the people the full privilege of objection, and to the church judicatories the exclusive right of judgment." "There is another matter not less important—the present position of ministers in unendowed districts. The law, as confirmed by a recent judgment, has declared that new parishes cannot be created by the authority of the Church alone, and that ministers placed in such districts are not entitled to act in church courts. *If it shall appear that the efficiency of the Church is* thereby impaired, and that the means of extending

her usefulness are curtailed, the law to which these effects are ascribed may require consideration and amendment." These ill-timed nothings reclaimed nobody.

Having got rid of the "pestilent men," the Moderate party had it all their own way; and they used their recovered power vigorously, and on their principles, with one exception, sensibly. 1st, They abolished the veto: 2d, They replaced the Strathbogie ministers: 3d, they excluded the *quoad sacra* and the Chapel of Ease ministers: 4th, They quashed all the sentences of their opponents which were obstructing friendly presentees, presbyteries, or delinquents, and proclaimed a general jubilee to all the afflicted by the Wild: 5th, They resolved to apply to Government for legislation: 6th, They testified their want of confidence in themselves by rescinding the Act of last year which gave ministers a discretion in occasionally opening their pulpits to Dissenters. This was the step in which they were foolish. It gave offence unnecessarily, but chiefly to Dissenters—which probably they liked.

But they could not answer the protest. They twice attempted it, and twice failed, none of their committees or volunteers having been able to produce anything satisfactory; and at last they parted, engaging to bring forth an excellent answer before the meeting of their Commission.

Those who had withdrawn elected Chalmers their Moderator, and constituted themselves into the first General Assembly of the "Free Church of Scotland." They sat from the 18th to the 30th of May, inclusive. Their clerical numbers are at present somewhere as follows*—444 ministers signed the deed which was sent to the General Assembly of the Church, resigning their livings, but about twenty more have since signified their adherence, making about 464 in all. Of these, about 271 are parish ministers, about 144 *quoad sacra* and chapel ministers, and about forty-nine ministers of Government churches, theological professors, and assistants and successors. Those who wish to make the Secession appear as small as possible deduct everybody except the parish ministers; but the others are equally ministers, and they make the same sacrifices. The circumstance of their having no regular parishes, in so far as the amount of secession is concerned, is perfectly immaterial. They were joined by about ninety-three theological students from the College of Edinburgh; by about three-fourths of those in Glasgow; and by a majority of those in Aberdeen. But the most extraordinary and symptomatic adherence was by about 200 probationers, being probably about a third of the whole probationers in Scotland.

* This statement (and similar ones) is not absolutely accurate, —only about it. I believe that the numbers generally ought to be enlarged.

The number of *the people* who have joined them cannot be yet known; but there are a few facts which show that it must be very considerable. 1st, Theirs being the popular side, every retiring minister has been followed by a large proportion of his flock, and in some cases flocks have in large proportions abandoned pastors who have remained in. The probable decline of seat-rents is alarming town-councils. 2d, In most (though by no means in all) places where a sufficient interest was taken in the matter, an association was formed for promoting the cause, and chiefly for raising funds. These associations now amount to about 750. 3d, The funds already in prospect amount to about £240,000. This sum has not been all paid, and to a considerable extent its amount is only a matter of calculation, or rather of conjecture; but there cannot be the slightest doubt that a very large sum will assuredly be paid. Nay, so confident are they of the strong hold which they have of the feelings of the people, they are already planning an endowed college, with a library, etc. And all this is over and above about £250,000 which this party has paid since 1833 for *quoad sacra* chapels. Whatever the exact result may be, it is certain that a sum will be obtained, and has indeed been secured, for the present uses of the Free Church, at least twenty times greater than what was ever raised at once by voluntary contribution for any purpose in Scotland.

Erastianism and patronage being odious to the people, the Free Church, which opposes these, has more Whiggism in it than Toryism; but being founded purely on religious, and not at all on political, principles, it has plenty of both, and it is distinguished from all past or existing sects of Scotch Presbyterian Dissenters in this—that its adherents are not almost entirely of the lower orders. They have already peers, baronets, and knights, provosts, and sheriffs, and a long train of gentry. The Lord Provost of Edinburgh walked with them from St. Andrew's Church to Canonmills, where the late Provost of Glasgow and the Sheriff of Mid-Lothian joined them. And that extraordinary procession was dignified by about eight old moderators, two principals of universities, and four theological professors. It has been often said that Presbytery is not a religion for a gentleman; and it is certainly true that hitherto such of our gentlemen as have not been of our Church were nearly sure to be found among the Episcopalians. This is the first time that our gentry are not only not ashamed of Presbytery, but not ashamed of it with the additional vulgarity of unendowed dissent.

Their sentiments towards the Dissenters were narrowly watched. Chalmers made one rash speech on the subject, but explained himself right next day; and all appearances are favourable to the hope that, if the two sects which have been driven at the distance

of a century from their parent Establishment do not speedily unite, they will at least co-operate. The only obstacle is that most of the old Dissenters are now voluntaries, whereas all the members of the Free Church have hitherto thought, not merely that an Establishment was expedient, but that its erection was the duty of the civil magistrate. This principle, however, will abate under dis-establishment; and though voluntaryism prevails among other Dissenters individually, it is not one of their standards as a religious community. The Dissenters, after hitherto promoting the fracture of the Establishment by every possible calumny of those who have left it, are now trying to complete its suppression by covering the same persons with praise, and transferring their abuse to those of the Church whom they have hitherto been flattering for resisting them.

Their position inspired them with enthusiasm. When Dr. Gordon,* the minister of the High Church

* Gordon has a large family, and no private fortune, and his principles have been adhered to at the expense of at least £800 a-year, being £500 or £600 for his church, and £300 as clerk to the Widows' Fund. This is a specimen. There are hundreds as good—that is, of men with families giving up their ALL. Dr. Patrick Macfarlan, one of the ministers of Greenock, has abandoned the best living in the Church, worth about £1000 yearly; and Dr. Welsh gives up his Professorship of Church History, and will no doubt be punished by being dismissed from the Secretaryship of the Bible Board, worth about £600 a-year.

of Edinburgh, and one of the most quiet and most respectable clergymen in Scotland, expressed his joy after getting into their new hall, because he now felt himself "a free and an honest man," he expressed the sentiment that exalted them all. Their business was often stopped for a moment till some magnificent contribution, or the name of some distinguished adherent could be announced. The feeling of the public was very unequivocally with them;—their followers rejoicing in the termination of their tedious and hopeless efforts towards adjustment with Government; their opponents acknowledging the nobleness of the sacrifice by which their sincerity had been attested. No one appears to have been capable of witnessing their proceedings without being softened and awed. Nor was this sympathy confined to our own people. The approaching movement, to which our rulers alone were blind, had been observed abroad, and the Free Church of Scotland was congratulated in its first Assembly not merely by native Dissenters, but by deputations from Ireland, Prussia, Holland, and America.

It is unfortunate that the Court of Session got another opportunity of exposing itself. Various parties had been ordered last session to attend personally this session under two complaints for breach of interdict. They obeyed the order and attended. One of

the complaints, which had been directed against certain persons who had dared to sit in the last General Assembly contrary to the orders of the Court, was abandoned, on the ground that as the delinquents had left the Church they could disturb it no more, and had proved the pressure of conscience under which they had erred. The other complaint was against various ministers and elders for inducting a presentee into Marnoch in Strathspey. Their explanation was, that under their ordination vows they had found it impossible to prefer obedience to the civil power, in what they held to be a purely spiritual matter, to obedience to the Church; but that, in order to avoid the claims of inconsistent duties hereafter, they had withdrawn from the Establishment. The President wished the complainers to abandon this complaint also, but they would not do so. Being thus obliged to do something, Fullerton and Jeffrey wanted the Court to part with these conscientious men by a mere formal censure, but the President and Mackenzie insisted on a fine, in which the other two, learning its proposed insignificance, thought it better to acquiesce than to call in the other Judges. The offended majesty of the law, therefore, was appeased (26th May 1843) by a not unkind rebuke and a fine of £5 each.

For the present the battle is over. But the peculiar event that has brought it to a close is as extra-

ordinary, and in its consequences will probably prove as permanent, as any single transaction in the history of Scotland, the Union alone excepted. The fact of above 450 clerical members of an Establishment, being above a third of its total complement, casting it off, is sufficient to startle any one who considers the general adhesiveness of Churchmen to their sect and their endowments. But when this is done under no bodily persecution, with no accession of power, from no political motive, but purely from dictates of conscience, the sincerity of which is attested by the sacrifice not merely of professional station and emoluments but of all worldly interests, it is one of the rarest occurrences in moral history. I know no parallel to it. There have been individuals in all ages who have defied and even courted martyrdom in its most appalling forms, but neither the necessity of such a fate nor its glory have been within the view of any one in modern times, and we must appreciate recent sacrifices in reference to the security of the age for which these clergymen were trained. Such a domestic catastrophe never entered into their calculations of the vicissitudes of life. Whatever, therefore, may be thought of their cause, there can be no doubt or coldness in the admiration with which all candid men must applaud their heroism. They have abandoned that public station which was the ambition of their lives, and have descended from certainty to precariousness, and most of them from

comfort to destitution, solely for their principles. And the loss of the stipend is the least of it. The dismantling of the manse, the breaking up of all the objects to which the hearts and the habits of the family were attached, the shutting the gate for the last time of the little garden, the termination of all their interest in the humble but respectable kirk—even all these desolations, though they may excite the most immediate pangs, are not the calamities which the head of the house finds it hardest to sustain. It is the loss of station that is the deep and lasting sacrifice, the ceasing to be the most important man in the parish, the closing of the doors of the gentry against him and his family, the altered prospects of his children, the extinction of everything that the State had provided for the decent dignity of the manse and its inmates. And in some views these self-immolations by the ministers are surpassed by the gallantry of the 200 probationers who have extinguished all their hopes at the very moment when the vacancies of 450 pulpits made their rapid success almost certain.

Yet these sacrifices have been made by churchmen, and not by a few enthusiastic ones; and with no bitterness; with some just pride, but with no boasting; no weak lamentations, but easily, contentedly, and cheerfully. I have conversed with many of them, especially of the obscure country ministers, who are below all idea of being ever consoled by the fame and large con-

gregations which may support a few of the city leaders, and their gentleness and gaiety is inconceivable.* But the truth is, that these men would all have gone to the scaffold with the same serenity. What similar sacrifice has ever been made in the British empire? Among what other class, either in Scotland or in England, could such a proceeding have occurred? The doctors? the lawyers? Oxford? the English Church? the Scotch lairds? It is the most honourable fact for Scotland that its whole history supplies. The common sneers at the venality of our country, never just, are now absurd.

Of course everybody is speculating as to what all this is to end in. Such of the Moderates as think are alarmed for the future; and, in particular, for that subjection of themselves to the civil court which they have hitherto, but with trembling, been promoting. But, for the present, most of them are delighted; in which, as usual, they are in the odd company of their old allies, the enemies of Establishments, who are delighted also. The Moderates solace themselves by fancying that their return to power makes the Church safe. Their opponents predict that the single fact of this

* The only regret expressed to me by the minister of a small Highland parish, a good, simple, innocent man, who had to quit the favourite manse garden, was implied in this question—"But, ma Lord, can ye tell me, are thae Moderates entitled *to eat mà rizzards this summer?*"

return to power implies that the Church must be speedily ruined. Both are probably wrong. The notion that the secession has done positive good to the Church—which is what some sulky railers actually pretend, is nonsense. Neither is it true that the Establishment cannot survive even the immediate effects of the very peculiar blow by which it has been smote. It is no doubt sorely crippled. What was its soul is gone, and gone to animate a hostile power. But, for the present, it will survive all this. It is for the future that it has to tremble. The charm that was in the very words, "The Church of Scotland," is broken. To a greatly increased extent it has ceased to be the Church of the people. The contrast between the popular zeal of Dissent and the official coldness of Establishment is always against any church; but besides this, what was the Church of Scotland has been placed on a lower level at once, by its being cast off in the face of day by thousands of those who were lately its best friends, led by above a third of its most eminent ministers, the honourableness of whose secession sets them greatly above their renounced brethren. These pious men have proclaimed, by their conduct, that in their opinion an Establishment is not indispensable either for public order or for religion. They have opened a rival market for ecclesiastical ability, which will enable it to stand the competition of the Church better than any Scotch Dissenters have yet been able

to do. They have dignified dissent both by their conduct and by the rank of their followers. Theirs is the only Presbyterian battery which has yet played upon the Church from aristocratic ground.

Nor is it only in Scotland that the recent transaction will operate. It is the greatest fact that has yet occurred for all the enemies of ecclesiastical establishment. It is their case. The mitres of England may tremble for it. If it be true that the Church of England cannot be destroyed without revolution, this is the most revolutionary event in modern British history. Protestantism was our first Reformation; Presbytery our second; this erection of Presbytery freed from the State is our third.

It is perhaps idle to speculate now on what might have been done to avert the irrecoverable step. But some things are tolerably clear. It was the duty of Government to endeavour to adjust claims which it clearly could not crush, and which in every view, either as advanced or as resisted, were alarming. I consider it as *nearly certain* that these claims might have been adjusted, and even without much difficulty, if either the Whig or the Tory Government had interfered *sincerely and intelligently in due time.* The question of patronage might have been settled, if not to the entire satisfaction yet with the acquiescence of all parties, by any real check, however mild, on its abuse. A

Statute doing, *clearly and honestly*, what Lord Aberdeen's vague Bill pretended to do would have at least set the matter at rest till the next generation. The Church uniformly announced its readiness to repone the Strathbogie ministers on the slightest acknowledgment of error; and these men would have courted restoration on such terms, had they not been encouraged into obstinacy by Government and its local advisers, who always made their unconditional restitution a preliminary of any legislation. The case of the *quoad sacra* ministers was never difficult. Nobody could doubt the expediency of suiting the Establishment to the growth of the people, since it was offered to be done by private contributions; and the proper conditions were clearly for the consideration of Parliament. The only real difficulty was as to the Church's claim of jurisdiction. A claim of jurisdiction by a Church, though only to spiritual effects, altogether exclusive of civil control, is so repugnant to modern British notions that, after the Court decided it to be ill-founded, it was not wonderful that any Government should recoil from attempting to legalise it, even if it could be supposed that any Parliament could have been got to sanction such a measure. A proposal to take such jurisdiction away, if it had been found to exist, would have had a far better chance of success. It is plain to me that the Church of Scotland had the jurisdiction, and that its practical exercise, as proved by immemorial experience,

was quite safe. But the decision being otherwise, I do not see how Government, relishing the decision, could do anything but adopt the law as delivered by the Court. Its error lay in relishing it. *At last,* therefore, in so far as adjustment involved *this* claim, it was hopeless. And the failure of adjustment brought matters to this point—that Presbytery, as understood by the Church, was inconsistent with the genius of modern law. But this was a point which matters need never have reached. It did not occur till towards the close of the controversy, and if patronage had been timeously settled it would not have occurred at all. All the sources and objects of the whole dispute would have been dried up had it not been for the troubles produced by the contest about patronage. Government was very fond of escaping from the troubles of the case by appealing to the contradictory views entertained by the Scotch members, and to the fact that they were mostly, if not all, hostile to the Church's claims. A plausible evasion. No Government at such a crisis was entitled to sit at its ease, and to wait till its superintendence was rendered unnecessary by everybody else being agreed. It is the duty of a Government, in the immediate presence of great public danger, *to take the lead, actively and decidedly,* and to endeavour to produce that wisdom and concord which it does not find existing.

But the truth is that, notwithstanding a world of

professions, Government was never duly anxious to compose these differences. The Whigs in general had no love of Churches, and it was only for its patronage and for the politics of the Moderate party that the Tories in general loved the Church of Scotland. Neither Government understood the subject, and both trembled for Church of England questions and for the Dissenters. Their ignorance, which no doubt has all along been profound, is but a poor apology for their infatuation. It is now certain, and indeed admitted by their own public explanations, that down to the very latest moment, nay after the fatal divorce had actually taken place, though before they had heard of it, Government did not believe that the *threat*, as they styled it, would be carried into effect. There were some important Edinburgh men in London at the time who had interviews with the leading public men, all of whom they attest first sneered at the idea of clergymen throwing away the loaves and fishes, and then were confounded by an act of magnanimity so far above their conceptions. The fact that the coming catastrophe, though at last as certain as the rising of the next day's sun, was not believed by Government, is of itself sufficient to prove their indifference. How *could* they be *truly anxious* for adjustment when they saw no danger? No men could be more strongly admonished. But they opened their ears and their eyes only to one side, and these *friends of Churches* have

blown up the best ecclesiastical establishment in the world.

The errors of the party that has withdrawn, though great, were less than those of their opponents, and far more excusable. Blunders of policy, however, were not what the Church went most wrong in. It suffered far more in the judgment of candid men from its fanaticism, its intolerance, and its political versatility. There is no denying or defending these vices, but they admit of much palliation. Fanaticism has always been an essential part of Scotch Calvinism. Their political versatility was undisguised. They courted every party that was likely to aid them. Very wrong; but is it unusual? Does Toryism never court Radicalism? What body of men, ardent in the prosecution of an object more important in their sight than any other, hesitates to cultivate the support of any political party that may be useful? Would Wilberforce have retarded the abolition of the slave trade for one hour by squeamishness about seeking the aid of opposite factions? The errors of management, however, by excited, goaded, and inexperienced men, are almost forgotten already amidst the justness of their general object and the splendour of their last act. Their new position avoids any repetition of their blunders, and it tends to cure all their defects except fanaticism, which it

will probably increase. Which of their opponents has blundered so little?

No individual power could have reared this Free Church. It is the result of a confluence of circumstances. But the men who have had the deepest share in directing these circumstances, and in moulding the results, have been Chalmers, Candlish, Alexander Dunlop, and Graham Speirs. Chalmers continues a master in the art of eloquent agitation. His abandonment eclipses the Establishment, while his great name creates a moral presumption in favour of the Free Church in the minds of all strangers, to whom, though they do not understand the subject, it is in vain to say that Chalmers, pre-eminently a Churchman, has cast off his Church without good reason. Candlish, not eloquent, but a clever and effective speaker, has exerted talents and energy which have made this nearly as much his work as that of even his great professional associate,* and which would have raised him to great distinction in much higher scenes. But neither of the clergymen could have succeeded without the two laymen. Dun-

* I mean in common business work. But in the public eye and ear Chalmers is the man. Nothing in such scenes ever gets the better of eloquence, and to this master power Chalmers adds great philosophical reputation and the long habit of leading. He is followed now partly from instinct. The Moderates, who hitherto have worshipped him, say now that it is by sophistry and ambition that he has seduced his followers; but all agree as to his powers.

lop, in everything except impressive public exhibition, is superior to them both. Calm, wise, pure, and resolute, no one ever combined more gracefully the zeal of a partisan with the honour of a gentleman. His sacrifice is fully as great as that of any of his clerical friends, for the absorption of his time and thought by the Church, in the service of which he has never accepted of one farthing, has, I fear, ruined his practice. I trust that a scheme now under consideration for getting him to write the history of these memorable transactions will succeed. He is the only person qualified to do it with the intelligence of an actor; and yet with the candour of a disinterested spectator. Yet was even he surpassed by the apostolic Speirs,* whose calm wisdom, and quiet resolution, and high-minded purity made his opinion conclusive with his friends and dreaded by his opponents. He had no ambition to be the flaming sword of his party, but in its darkest hours he was its pillar of light. Amidst all the keenness, and imputations, and extravagances of party, it never occurred to any one to impeach the motives, or the objects, or the sincerity of Graham Speirs.

On looking back at the whole matter, what I am chiefly sorry for is the Court of Session. The mere purity of the Judges it would be ludicrous to doubt.

* Sheriff of Mid-Lothian.

They all delivered what each, after due inquiry, honestly believed to be the law; but passion sometimes invades the Bench; and when it does it obstructs the discovery of truth as effectually as partiality can. The majority of the Court may have been right at first, and to a certain extent; but they soon got rabid, insomuch that there seemed to be no feeling except that of pleasure at winging Wild-Churchmen. The apology was that they were provoked by their law being defied; but a Court has no right to be provoked. Admitting that the law as laid down ought to have been obeyed, there is no rule which condemns those who are injured by its judicial decision from openly questioning its propriety; and the opposite rule can scarcely apply to the collisions of rival jurisdictions. Where two supreme authorities clash, they cannot be both obeyed; and there is a class of great public questions, involving high public rights, claimed by the people at large, where, though submission to decision may be the rule, disregard of it cannot be wondered at or severely condemned, and will often be applauded even by the peaceably disposed. What more would the Stuarts have required to legalise their tyranny than that the people should have been obliged to obey all that the Judges decided? The Court of King's Bench decided that ship-money was lawful; but Clarendon says that when the people "heard this demanded in a court of law as a right, and found it, by sworn judges

of the law, adjudged so, *upon such grounds and reasons as every stander-by was able to swear was not law,* they no more looked upon it as the case of one man but the case of the kingdom; nor *as an imposition laid upon them by the king, but by the Judges, which they thought themselves bound in conscience and public justice not to submit to.*"—Vol. i., p. 123, Book 1st. The general conviction among candid men that the Court of Session had not always delivered the law, and had scarcely ever done so in a judicial manner, operated as strongly in favour of the Free Church among one class of the people as its evangelical principles did among another. It is this conviction that has given it the aid of such of its adherents as are not religious, but who instinctively resist what they think injustice. Many a thousand pounds, and many a good name, has this feeling got it. The Scotch Court was no doubt supported by the House of Lords—that is by four English lawyers; and much good did this do it. They only got two or three cases to consider, and these they decided on principles flowing from the law of English King-headed Episcopacy.

16th July 1843. On the 12th and 13th instant there was a great and elaborately prepared convocation, almost entirely of clergymen, in order to commemorate the Assembly of Divines at Westminster, which met 200 years before. They assembled in the

hall at Canonmills. The only remarkable facts that distinguished the proceedings were, 1st, the identity of their mental state in the year 1843, with that of their predecessors in 1643. Two centuries have not changed the Presbyterian intellect one inch. 2d, The coalition between the members of the Free Church and other Dissenters. No Established Churchmen were there, probably not one; but every species of Dissenter was present, and in harmony. Of the five moderators who presided at their different sederunts, four represented the four principal sects of Scotch Seceders, and Chalmers was the fifth. With his usual singleness of idea, the recently liberated doctor, who a few months ago was a flaming sword in defence of the Establishment, made an admirable speech in favour of something not very unlike Voluntaryism.

20th August 1843. Government and Parliament have within these few days completed their infatuation about the Kirk by passing that piece of ill-timed folly which will hereafter be termed Lord Aberdeen's Act. The substance of it is this:—1st, It declares something (no matter what) to be law, which the whole law lords, except the Chancellor Lyndhurst, declared not to be law; and Brougham, Cottenham, and Campbell, said that if this were law the Auchterarder case was wrong decided; and Denman, the Chief-Justice, protested that in this position the House of Lords was

bound to consult the Scotch Judges formally, instead of submitting to be instructed by private statements (supposed to have been made by the Lord Justice-Clerk, the Lord Advocate, and the Solicitor-General). This opposition, which was at first fiercely conducted by Brougham, would have been fatal to a measure which no member of Government inwardly approved of except Aberdeen, who threatened to resign if it did not pass, had not Brougham, according to his now almost daily practice, sacrificed the strongest professions in order to aid a Tory Government. 2d, It puts down popular dislike as a ground of opposition to a presentee, but allows any portion of the parish in communion with the Church to state any objection on cause shown; that is, it legalises *reasons* of dislike, but not dislike itself. 3d, The Church courts are to dispose of these reasons judicially, and *if within their competency*, finally. In doing this they are to consider the suitableness (not acceptableness) of the presentee, in reference to the whole circumstances of the parish; and the result is to depend solely on the discretion of the Church. 4th, In considering objections they are to take the *personal characters* of the objectors into view.

This production is said, I have no doubt truly, to have proceeded from Lord Aberdeen, the Lord Justice-Clerk, and the Rev. Dr. Muir, one of the ministers of Edinburgh. It was vehemently opposed. The

leading objections to it were—1st, That, as urged by the true Moderate party, it recognised a right in the people to state other objections besides the old ones to the morals, literature, or orthodoxy of the presentee, and thus gave them too much power. 2d, That, as urged by the popular party, it gave the people no real power at all, but only insulted them by permitting them to state objections which the Church was entitled to trample upon; and that the condition of acting within their competency legalised the constant control of the civil court. 3d, That, as urged by all reasonable men, it conferred great power on the Church, to which it gave that very *liberum arbitrium* which every party in the Church had of late denounced as new and dangerous. 4th, That, as urged by all except its authors, by making the characters of the objectors a subject of relevant inquiry, it immensely enlarged this ecclesiastical despotism, and in truth established something like a clerical inquisition.

The Commission of the Assembly has supported the bill by a majority, but the minority was led by Dr. Cook, and contained the old steady Moderates. The results that are anticipated from this Statute are, great discontent among the people, great caprice and tyranny in the Church Courts, great grumbling among patrons, yet no regular or effective check on the exercise of patronage. The Court of Session invented one new Church, and now Government has made Parlia-

ment invent another, not aware that nothing disparages ancient systems more than superseding them by offensive mushrooms. One hundredth part of the zeal for appeasing the Church that has been shown by Government lately, if exerted a year ago, would have avoided the whole secession. Having first broken the fabric by refusing to repair it, they now undermine what remains by attempting to prop it.

25th October 1843. An alarming instance of the insecurity of the beauty of Edinburgh, or of the preservation of its scenes of recreation, occurred a few weeks ago, when a majority of the town-council resolved that Hallow Fair should be held on Bruntsfield Links; the effect of which would have been that an annual nuisance would have been fastened on the best-used playground in Edinburgh, and that the excellent old turf would have been destroyed. A public meeting was held to remonstrate, but though it was an occasion on which the whole population ought to have been furious, only about 200 persons attended.

Their resistance would have been disregarded by the civic guardians, in whose eyes a few pounds of rent was all in all; but it was backed by an objection of unfitness from the drovers; by an intimated intention of the golfers and other parties to apply for an interdict; and by an offer from an adjoining farmer to give

a field for nothing: and the result was, that the scandalous resolution has been rescinded. It is dreadful to think how precarious all the peculiar charms of Edinburgh are. Great regret was actually expressed at the Council board that the fair had not been kept to its old site, the Calton Hill; and indeed I scarcely despair of seeing it back there again. I do not believe there are twenty people in the town who would give half a guinea in the year to prevent it.

28th October 1843. The Free Church has just held its second General Assembly in Glasgow. As might have been anticipated, it was an enthusiastic scene. There was much effective business done, much good speaking, and perfect cordiality. The material facts seem to have been these:—

The number of ministers who have seceded is 470; the number of Free congregations, including those who have left the Church, though their old pastors have remained in, about 750; the number of elders out of 333 congregations, *which had reported*, who have come out, is above 1680; leaving the total number, including congregations which have not reported, uncertain. But if 333 give 1680, it may be conjectured what 750 will give. The funds, in reference to this unexpected shoal of congregations, for each of which a church has to be provided, are not in a good state; but still are great, beyond all Scotch precedent. They have

got about £20,000 from England, and about £10,000 from Ireland. They received deputations or addresses from about twenty sects of Dissenters, chiefly from England, Ireland, and Scotland, but also from Germany, America, Holland, and Geneva. The general principle of the expediency of an Establishment was avowed by the Free Church, and therefore there is no prospect at present of its *joining* any body of known Dissenters. But it is shaking hands with them all; and even already they are all allied in so far as regards their common enemy, the existing Establishment. To be sure all desire to pull the Establishment down was disclaimed in words, just as the Establishment affects to have no desire to blast the Free. But, whatever courtesy or policy may profess, is not every sect always anxious for the destruction of every other sect? Each thinking itself right, and consequently thinking those who differ from it wrong, if honest, must wish the extinction of its opponents. There was a strong expression of indignation, with which every human being, except those who would still burn for heresy, sympathised, against the infatuated lairds who are persecuting, by refusing ground for Free churches. In some places, where whole parishes are the property of one man, and he a tyrant, the people, denied a spot of ground even to stand upon, and not allowed to obstruct the high road, have been obliged to assemble for the worship of God in the way that their consciences

approve of on the sea-shore, between low and high water-mark. Modern Scotland has exhibited no such examples of the extent to which persecution would be carried if not prevented by law, and this even by otherwise amiable men. He who would refuse a site because they are dissenters who want it, would refuse everything else that he could—a cup of cold water. How easily torture could be restored were it not for the law!

Nothing called a General Assembly has met, except in Edinburgh, for above 100 or probably 150 years; and therefore the name made Glasgow start. But the spirit and the objects of this meeting made the hearts both of friends and of foes start still more. It was so exciting that probably the Free will stimulate the whole country by a series of Assemblies in different towns. The un-Free will make no such appeal.

11th November 1843. The statute which compels office-holders in Scotch colleges to subscribe the Confession of Faith and to be members of the Established Church has not for a long while been strictly enforced. Even at Glasgow and Aberdeen, where it has been most generally enforced, the test has rarely, if ever, been put to chancellors or rectors. It was no objection to Peel, Stanley, or Lyndhurst that they were Episcopalians. At Edinburgh the law has scarcely been known to exist; but, since the recent Secession, the

Church, instead of having the sense to take in its sails, puts out even those that used to be reefed, and in its insanity against opposition, besides persecuting defenceless schoolmasters, is now embarked in a contest with all dissenting office-holders in colleges. I fear the law is on the side of the intolerant. If, instead of being repealed, it shall be enforced strictly, all our colleges will be shorn of their best existing teachers, and henceforth, in place of having the world to select from, these seats of learning can only be recruited from the members of the Church of Scotland. If, as is probable, it be only enforced partially, so as to hit any man offensive to the Church, those who are let alone hold their places on the condition of absolute subjection to the faction that can extinguish them at its pleasure. On the 7th instant the senate of Glasgow had the honour of being the first of our colleges which has passed resolutions against any such test. They were carried by eleven against seven. Only one clerical professor voted right, and only two laymen wrong.* The seven consisted of these two laymen and five theologians. The same will be the result everywhere, the Church against sense. There is no hope at present however of redress. And this is the Church's course,

* The solitary clergyman who was superior to the prejudices of his craft was Dr. Reid, the Professor of Church History, who had opportunities of observing the uses of tests while in a previous situation in Ireland, where he distinguished himself in other conflicts for religious liberty.

though our colleges, instead of requiring to be sunk by new intolerance, are fast sinking without it. I don't doubt that twenty years ago there were 2000 students at the college of Edinburgh. I doubt if there be now 1000. The other colleges are all worse. The causes of this progressive and alarming decline it would be very important, but not easy, to discover. The following things however deserve notice—I mean as applicable to Edinburgh, and therefore no doubt to other colleges. The old lights are gone, but though this single fact be often thought sufficient to account for the declension, I cannot think that there is so much in it as is generally supposed. Chalmers, Sir William Hamilton, Christison, Alison, and Forbes, who have for some years occupied the chairs of Divinity, Logic, Materia Medica, the Theory of Physics, and Natural Philosophy, are all great names, and though, like our fathers, we have plenty drones, there are several excellent teachers besides these.* I doubt whether the revival of the old luminaries, unless we could revive the very peculiar age which they enlight-

* It is very unlucky, however, that Edinburgh should be so crippled as it happens to be at this particular moment. Besides the established stock of bad professors, ill health, old age, and the Free Secession have made our colleges open this year with no fixed teachers of Divinity, Church History, Chemistry, Natural Philosophy, or Scotch Law. All of these are taught by substitution. So far as I have observed, when a professor gets doited he becomes immortal.

ened, would at this day keep our college crowded. For, secondly, the old half-superstitious reverence for colleges is greatly worn out, and this chiefly because education is effectually obtained elsewhere, not merely by the poor but by the rich. Every village has its institution, every town what it calls its college, and, except for the Established Church, the education got there is nearly as good for practical and professional life as if it had been got at a regular University. The practice for example (which will be soon greatly extended) of giving practising degrees for medicine to anybody who has attended any licensed school, and can stand examination, is almost sufficient of itself to extinguish the medical department; for nothing is easier than for a lecturer to get his lecture-room licensed, and under a grand name, and from that moment his object is to undersell the University, which he can only do by giving lower instruction. Thirdly, when the Continent was shut, students who were obliged to go from home for education, and found Oxford and Cambridge monopolised, naturally came to cheap and free Scotland. Now the Continent is opened, and I am told that, attracted by cheapness, subjects, and the absence of all control, there are this winter above 600 British medical students in Paris alone. Probably 500 of these would have been in Edinburgh twenty years ago. Fourthly, our professors have increased the temptation to medical pupils to avoid

coming here, by the cupidity of every man insisting on his class being brought within the curriculum. This no doubt improves education, but it also increases the expense and the time necessary for obtaining it. Nothing can save us except the appearance of two or three illustrious professors, greater cheapness, and a total exemption from all tests. The medical schools in London are as low, I understand, comparatively as ours; and without their monopolies what would Oxford and Cambridge be? Wiser certainly; but how as to numbers? Our great present risk is that, as we have almost no endowments, no eminent man can afford to devote himself to the duties of such poor classes. Even Glasgow, which has endowments, threatens to allure our teachers away.

16th November 1843. To punish his Free Church propensities, an attempt has just been made to turn Fox Maule out of his rectorship of Glasgow at the end of his first year, but it has failed. He was re-elected yesterday by a majority in each nation, against Lord Eglinton. The Principal made a foolish general protest against his eligibility, which he refused to explain; but which just means that Maule, besides being a Whig, is a Free Churchman. As against *eligibility* this is nonsense; for a turbaned Turk might lawfully be *elected*, and if he chose to get suddenly converted, he might gulp the Confession and

be inducted; but the right to be inducted without this gulp will prove a formidable question for those who bogle at it.

20th November 1843. Many and heavy are the blows now daily dealt upon the poor Church—the direct results of the late measures of her friends for her protection. She got a severe slap on the face from the Town-Council of Edinburgh last Thursday.

It used to be the nearly universal custom in all royal burghs for the magistrates to go officially, and in procession, with all their pomp to church. This began when the Church of the State was the Church of the people, and burghs were not generally bankrupt. But in later times, as many of them have been getting poor and paltry, they have been getting gradually ashamed of their glory, and have been glad to avoid the jeers of their subjects by never processing when they could escape it. The progress of dissent has averted them from the official church still more copiously. It could not be expected that magistracies composed of Seceders were voluntarily to do honour to a church they had left because they disapproved of it. But though there were thus many royal burghs where the Provost had long ceased to exhibit himself with his tail upon Sunday, there are others where the old custom still prevails. Till last Thursday it did so in Edinburgh, where it is said that for three centuries,

but certainly ever since the Union, the magistrates have regularly walked in procession from the council-chamber to the High Church, and back again after sermon. Now, however, it has been resolved by a majority that this practice should cease; and, accordingly, the High Church was yesterday for the first time shorn of its municipal glory. This has given great offence to the adherents of the Establishment; and it is indeed a foolish move, because it merely offends. But it was inevitable; and those who produced the Free Church, and thereby doubled our seceding population, have no right either to complain or to be surprised. Our Town-Council of thirty-three has only nine churchmen in it, even our Provost being an Independent. Could it be expected, considering how the Church is behaving towards the Free Church, that such a Council, which is prevented from showing any official respect to its own sects, should continue to glorify the Establishment? The example will be imitated. I could scarcely get the Provost of Inverary to go with me to church when I was there last September on the circuit. Those who supposed that they could combine respect to the Church with driving people out of the Church will be as much disappointed in Scotland as in Ireland.

The Judges of the Courts of Session, and of Exchequer too, used always to attend the High Church in all their splendour. It was they, and the magis-

trates, and the High Commissioner, who made that the chief place of worship in Scotland. But we have now no barons; and we of the Session feel the attempt to keep the thing up so heavy, that often only one of us goes, and never more than three. I want us to go only on the first Sunday after the beginning of each Session, and on the two Sundays when the Commissioner is there; and to appear on these four occasions in full pomp—all present, and with the Dean and Crown counsel, and the clerks, and to spare the exhibition of every ordinary week. But I can make nothing of these inexorable revolutionists—the steady Tories, who will change nothing voluntarily, and thus compel everything to change itself forcibly. I, who have a taste for ancient shows and ceremonies, think the disappearance of the High Church exhibition rather to be lamented. In a few years the weekly spectacle of centuries will be forgotten. These ceremonies were foolish enough for modern times no doubt, but yet time and scarlet, office and power, wigs and maces, made them be deemed an enviable honour for the High Church.*

* 23d December 1843. The First Division of the Court has unanimously interdicted a resolution of the Town-Council of Edinburgh, refusing the mace and the sword to such of the Council as choose to go to the High Church officially. So for a while the old solemnities may be continued, but they will die away at last.

21st November 1843. Alexander Maconochie, Lord Meadowbank, has resigned from bad health, and his retirement puts me upstairs. To-morrow is my last day of the Outer House. After being there as a Lord Ordinary for the last nine years, I am now compelled to enter among the Inner deities of the Second Division, whereat I sorely groan. As an Ordinary, being alone, I was my own master. I had Tuesday for my blank day, which sometimes (though not often, for it was our consultation day) enabled me to be at Bonaly from Saturday till Tuesday night, and as I could generally get out of Court by two o'clock, I found a walk after a five hours' seat irresistible. I have had eighteen sessions of delightful visitation of all my favourite haunts round Edinburgh. All these I now lose. The Inner House is generally preferred, chiefly because it is supposed to have less work; because, though it now sits till three or four, it does not meet till eleven, which enables a lazy lord to lie in his bed instead of breakfasting at eight; because it reads print and not writing, and because it has more public dignity. All true: but no compensation, in my opinion, for independence and long walks. Adieu! Salisbury Craigs, and the top of Arthur Seat, and Duddingston, and the point of Leith Pier, and Corstorphine Hill, and Caroline Park, and the Grange, and Braid, and a hundred other long frequented and hallowed resorts. I shall visit you again, and often,

but never as my daily Elysiums after Court. I have hitherto decided my causes in my own way, and then heard no more of them till I might happen to be amused by seeing in the Reports, a year afterwards, how my judgments had been played with in the Inner House; but now I must sit and conflict with others.

The Lord President, as usual, delivered a sort of funeral *éloge* over the departed Meadowbank before the whole Judges; after which my Lord Justice-Clerk repeated the dose as soon as he got into his own Division. These regular orations, which no dead or retired Judge is ever spared, ought to be abolished as sheer nuisances. I wonder if they prevail in England. The prospect of being the subject of one of them if he dies, is enough to make any man of good taste live for ever!

The Dean of Faculty (Peter Robertson) having been made a Judge in consequence of Meadowbank's resignation, the Faculty of Advocates have chosen Duncan M'Neill, Solicitor-General, to be their Dean in his place—altogether wrong; because the Deanery and the office of Lord Advocate, or of Solicitor-General, should never be combined. These are the only three high honours that the Faculty has, and they ought never to be monopolised. The Dean should be as independent as he can be made; but if the chief local organ of Government can hold the

place it will never be independent at all. It was on these principles that Jeffrey gave it up on being made Lord Advocate in 1830. No man till now has been made Dean for the first time, who was also Lord Advocate, since 1796. The Lord Advocate of that day (Robert Dundas) was chosen Dean, but this was by the men who dismissed Henry Erskine, and in the ferocious age that applauded that act.

8th January 1844. There has been a strong desire, for years past, to avoid the necessity of transportation, by trying long imprisonments in properly regulated prisons; and the whole system and apparatus of prison discipline in Scotland has been changed in order to give the benevolent experiment fair play. I grieve to say that the results, as yet, are not encouraging. Those who have come out of an eighteen months' or two years' confinement seem to revert to crime, at least to crimes against property, as easily as if nothing had been done to reform or to frighten them. We had this Winter Circuit at Glasgow about twelve cases of the kind; and, including the last spring and autumn circuits, I have seen about fifty such cases in the last ten months, on whom the benevolence of long and religious incarceration had been wasted. I do not see how it can be otherwise so long as convicts are turned out after their term is over, without money, or character, or master. Every other criminal, except

perhaps a coiner and a poacher, there may be hope of; and possibly even of a first thief. But after a second conviction shows that stealing has become a trade, be he or she old, middle-aged, or young, I don't at present believe that reformation is possible. One handsome-looking young woman, Mary Boyle, had been in the Penitentiary at Perth—the very school of penal virtue, and had come out of it with a great character—thoroughly reformed, their best swatch. 'Well, after being a month free, and in employment, she engages in a daring burglary with a gang of male villains; and on being sentenced to transportation she threw off, in an instant, the decorous air, which had made people first doubt the evidence and then pity her, and broke out into a paroxysm of the most cordial fury I ever saw at the bar; cursing prosecutor, Judges, jury, and her own counsel, in the coarsest terms; and dealing effective blows on all within her reach, not omitting the poor macer, who had nothing to do with it. But crime, nay the particular sort of it, runs in families like everything else; and this lady belongs to a race of thieves. She has a father, a mother, and two brothers or sisters already in the colonies, and the only two that remain have already gone through what seems to be the first stage of the transporting process —a short imprisonment.

6th May 1844. Being on the North Circuit last

month, and having some days free, I spent two days amidst the relics of St. Andrews. I had been only twice there before, and was thankful I had forgotten everything about it except its general character. The first time was about thirty-two years ago, when I went as counsel before the Presbytery for Principal Playfair, under the scandalous persecution which troubled his old age. Professor Ferguson, then in his ninetieth year, lived at St. Andrews at that time, with whose family I was very intimate. He was then the most monumental of living men. A fine countenance, long milk-white hair, gray eyes, nearly sightless, a bare, deeply gullied throat gave him the appearance of an antique cast of this world; while an unclouded intellect, and a strong spirit, savoured powerfully of the next.

My next visit was a few years after—I can't remember when; but I went to see some Priory acres, about which there was a litigation, and I only stopped one evening. On neither occasion had I time to see, or leisure to feel, the place.

There is no single spot in Scotland equally full of historical interest. A foreigner who reads the Annals of Scotland, and sees in every page the important position which this place occupied in the literary, the political, and the ecclesiastical transactions of the country, would naturally imagine the modern St. Andrews, though amerced perhaps of its ancient

greatness, to be a large and influential city. On approaching it, he sees, across an almost treeless plain, a few spires standing on a point of rock, on the edge of the ocean; and, on entering, he finds himself in a dead village, without the slightest importance or attraction except what it derives from the tales these spires recall. There is no place in this country over which the genius of antiquity lingers so impressively. The architectural wrecks that have been spared are, in themselves too far gone. They are ruins, or rather the ruins of ruins. Few of them have left even their outlines more than discoverable. But this improves the mysteriousness of the fragments; some of which, moreover, dignify parts of otherwise paltry streets, in which they appear to have been left for no other purpose but that of protesting against modern encroachment. And they are all of a civil character. Even what is called the Castle was less of a castle than of a palace. It was a strong place, but not chiefly for military defence. They all breathe of literary and ecclesiastical events, and of such political transactions as were anciently involved in the Church. There is no feeling here of mere feudal war.

The associations of ancient venerableness which belong so peculiarly to St. Andrews are less disturbed by the repugnances of later ages than in any place I can think of, where the claims of antiquity are opposed to those of living convenience. The colleges which,

though young in comparison with the cathedral, the tower, and the castle, are coeval with the age of the Reformation, instead of interfering with the sentiment of the place, bring down the evidence of its learning into a nearer period, and prolong the appropriate feeling. The taste of some of their modern additions may be doubted, but the old academic edifices are in excellent keeping with the still older ruins. These colleges display many most interesting remains, especially the University Library.

The town itself—though I would rather have no town at all, is less offensive than might at first be conceived possible. I don't speak of that detestable Bell Street, nor of a few villa things which have set themselves down on the edges of the city, and have too often been allowed to steal bits of ancient walls and gardens. But the proper town—the true St. Andrews, is in good character. It is still surrounded by its ancient wall, and is said never to have been larger than it is now—a statement which the absence of all vestiges of ancient buildings beyond the wall makes probable. Its only three considerable streets all radiate, at an acute angle, from the cathedral westward. There has never been attempt at decoration on the houses, which are singularly plain, though often dignified by a bit of sculpture or scarcely legible inscription, a defaced coat of arms, or some other vestige of the olden time. There are few shops, and—how thankful they should

be! no trade or manufactures. I could not detect a single steam-engine; and their navy consisted of three coal sloops, which lay within a small pier composed of large stones laid rudely though strongly together upon a natural quay of rock. The gentry of the place consists of professors, retired Indians, saving lairds, old ladies and gentlemen with humble purses, families resorting there for golf, education, economy, or sea-bathing. No one comes for what is called business. Woe to the ignorant wight who did! He would die in a week.

For all this produces a silent, calm place. The streets on Saturday evening and on Sunday were utterly quiet. The steps of a passenger struck me, sitting in the Black Bull parlour, as if it had been a person moving in a cloister, or crossing some still college quadrangle, amid the subdued noises of a hot forenoon. I remember when I was in Dr. Ferguson's, long ago, observing a young man on the street, in the month of August, with a grand blue coat, a pair of bright yellow leather breeches, and glorious boots. I asked who he was; and was told "Oh, that's *the boarder*." He was an English Lord Somebody, who had been at the college in winter, and was sentenced by his friends to remain there till the classes met again. He was the only visible student. I felt for *the* boarder.

It is the asylum of repose—a city of refuge for

those who can't live in the country, but wish for as little town as possible. All is in unison with the ruins, the still surviving edifices, the academical institutions, and the past history of the place. On the whole, it is the best Pompeii in Scotland. If the professors and the youths be not learned and studious, it is their own fault. They have everything to excite ambition—books, tranquillity, and old inspiration. If anything more were needed, they have it in their extensive links, their singular rocks, their miles of the most admirable hard dry sand. There cannot be better sea walks. The prospects are not very good, except perhaps in such a day as I had—a day of absolute calmness and brightness; when every distant object glitters; and the horizon of the ocean, in its landless quarter, trembles in light; and white sea-birds stand on one leg on the warm rocks; and the water lays itself out in long unbroken waves, as if it was playing with the beautiful bays. The water, however, though clear enough for the east coast, is no match for the liquid crystal that laves our western shores.

But though tranquillity is deeply impressed on the whole place, the inhabitants are not solitary. On the contrary, among themselves they are very social. Except those who choose to study, they are all idle; and having all a competency, they are exactly the sort of people who can be gregarious without remorse, and are allured into parties by the necessity of keeping

awake. They have a local pleasure of their own, which is as much the staple of St. Andrews as old colleges and churches. This is golfing, which is there not a mere pastime, but a business and a passion, and has for ages been so. This pursuit draws many a middle-aged gentleman, whose stomach requires exercise and his purse cheap pleasure, to reside there with his family. It is the established recreation of all the learning and all the dignity of the town. There is a pretty large set who do nothing else. They begin in the morning, and stop only to eat; and after playing all day in the sea breeze, they discuss it all night. Their talk is of *holes*. The intermixture of these men, or rather the intermixture of this occupation, with its interests, hazards, and matches considerably whets the social appetite. However, all is done innocently and respectably, in so much that even the recreation of St. Andrews partakes of what is and ought to be its peculiar character and avocation.

On my way from Inverness we paid a visit at Kilravock Castle. It is a delightful place, and we were most hospitably entertained. The quantity of wine, however, the party consumed happened to be singularly small, and I could not help thinking of the very different days that the Tower had seen; for it was at Kilravock that old Henry Mackenzie, who was related to the family, used to tell that a sort of house-

hold officer was kept, whose duty was to prevent the drunk guests from choking. Mackenzie was once at a festival there, towards the close of which the exhausted topers sank gradually back and down on their chairs, till little of them was seen above the table except their noses; and at last they disappeared altogether and fell on the floor. Those who were too far gone to rise lay still there from necessity; while those who, like the *Man of Feeling*, were glad of a pretence for escaping fell into a dose from policy. While Mackenzie was in this state he was alarmed by feeling a hand working about his throat, and called out. A voice answered, "Dinna be feared, Sir; it's me." "And who are you?" "A'm the lad that louses the craavats."

CHAPTER XI.

1844.

On the 30th of April there was a discussion in the House of Commons on a subject deeply interesting to Scotland. The Statute which seems to require the signature to the Confession of Faith and to a formula, as a test of adherence to the Church of Scotland, from all office-bearers in our colleges may possibly have been a wise act at the time it was passed, because at that period the people were nearly unanimous in favour of the Church, and dissent meant either Catholicism or Episcopacy—both at war with Presbytery; but as soon as these became harmless, and Presbytery itself was divided by Secession, the law which excluded all talent excepting that belonging to the Established Church from our seats of learning, was allowed to fall into practical desuetude. There have for long been several Episcopalian Professors in all our Colleges, especially in the two great ones of Edinburgh and Glasgow. In Edinburgh indeed the test has very seldom ever been enforced; and of the heads of all our Colleges—the Chancellors and

Rectors—the great majority have not belonged to our Established Church. Since Government, however, erected the Free Church the Establishment has become more illiberal; and in order to exclude any Free man puts the test without remorse everywhere but in Edinburgh, and threatens to put it here also. Maule has never yet ventured to get himself inducted Rector of Glasgow because he sees that he must be obliged to go to law, and that law is probably against him; and the Church is at this moment blatant because Sir David Brewster, who has joined the Free, presumes to retain his St. Andrews presidency. These are the cases of marked men; but the Church professes that all who will keep quiet—that is, who will be content to hold their places by its tolerance—are as safe now as ever. In order to put an end to this tyranny, and leave the colleges free to select talent from whatever sect they can find it in, Maule moved on 30th April for leave to introduce a Bill for the abolition of those tests, except those required from *theological* professors. After a very useful debate he was defeated by 128 against 101. Of the Scotch members twelve voted against the motion and twenty for it, but these twenty represented all the large town constituencies; and on the whole it was rather a triumph of toleration, for, while tests had a slight majority of numbers, it was greatly in the minority in reason and weight. Rutherfurd made another excellent speech. The argument in

favour of the theological check-bars consisted in a repetition of the old poor stuff about the sacredness of the Articles of Union, the importance of the Established Church, and its being in greater danger now from the Free than it was formerly from the Catholics. The answers were that the bugbear about the Union deserved no reply, that the Church's danger was the very reason why it should not be rendered unnecessarily odious by persecution, and that it was difficult to see how, since Judges might be Dissenters, professors of chemistry and surgery might not be so too.

10th May 1844. The publication of the first number of the North British Review is an event which *may* lead to important results. It is a Free Church review. They don't say so in their preface, but rather say the reverse—"there will be no attempt to advocate the distinguishing peculiarities of any particular sect." This may be true in the direct sense, but indirectly the general impression of the work will be against the Church, and in favour of all dissent that is honest and pious. Dr. Welsh is the editor; and of the ten articles in its first number, I believe that the whole authors, or nearly the whole, are Free churchmen or dissenters.* If the succeeding numbers be as good as

* Their names are as follows.—1. Sir David Brewster; 2. A. Coventry Dick, advocate; 3. Dr. Chalmers; 4. John Thomson Gordon, advocate; 5. Winter Hamilton, a Leeds dissenting clergy-

the first, the work must prosper. Of this number nearly 4000 copies have been sold, being not much, if at all, below the present circulation of the Edinburgh Review. The tendency of any such work to evoke talent not hitherto employed in any literary production is satisfactory. Except Brewster and Chalmers, I doubt if any of these ten ever contributed to *a review* before.*

The "Edinburgh" has helped to bring this local rival upon itself by its own paltriness in never even mentioning the recent great Scotch struggle. To be sure

man; 6. Edward Francis Maitland, advocate; 7. Norwegian Laing; 8. Dr. Candlish; 9. Alexander Dunlop, advocate; 10. James Moncreiff, advocate.

* But most of them have sinned in print. Dunlop's church pamphlets are admirable. Moncreiff published an excellent one some years ago against Chalmers, when the doctor took his fit about the Moderatorship. Edward Maitland (the late Solicitor-General's brother) got the prize for the best essay in Wilson's class. John Gordon (the son of Rutherfurd's sister) never did anything of this kind before that I know of; neither did Candlish, though he charged and let off several of the guns that made a noise during the late fulmination. After Dunlop, Dick is the most remarkable of these five advocates. He published an admirable pamphlet some years ago in explanation and in defence of no-State Church. His father was a very distinguished Dissenting clergyman in Glasgow, to whose creed the son adheres. In point of candour and of reasoning I am not sure that Voluntaryism has ever been better expounded. Nothing but a calm, dry, hard manner, and weak health prevents talent like his from rising high in his profession.

it could agree with nobody. What man of sense could? That work could not sympathise with the fanaticism of the Wild; and as little could it justify the extravagances of the Courts, or the suppression of the people. But this neutrality was the very circumstance that would have made its candid views and wholesome advices useful. The real truth however is that, as now edited, it was too much in the service of the late Whig Government, which, on these matters, was as bad as the present Tory one—to speak plainly.

2d June 1844. The two General Assemblies of the season are over. They have formed a curious contrast, as an old and a new church always will.

The Convocation of the Establishment was chiefly occupied with its first year's experience of Lord Aberdeen's Act.

As soon as the people were told by Parliament that their dislike of a presentee was to be disregarded, unless it was explained and justified by what the Presbytery might think good reasons, they set about analysing all the good reasons that could occur; till at last their objections were in each case substantially the same, and were stated very much in the same form and terms. They charged the offensive presentee with all possible defects, including bodily infirmity, weakness of voice, disagreeableness of manner, coldness of preach-

ing, deadness of prayer, bad doctrine, and general odiousness. Some of these objections were occasionally ridiculous; many of them sound and strong. The presentee to Banff was "reported to be subject to an occasional exuberance of animal spirits," and "is considered to be destitute of a musical ear, which prevents the correct modulation of his voice." The presentee to Kirkcolm had "an unnatural conformation of one of his feet," and this made him "halt in his gait, and assume grotesque and unnatural attitudes and action in the pulpit." But these bodily exceptions were always combined with more serious matter. The presentee to Kilbrandon not only read every word of his sermon, but "his reading is uniformly bad, stuttering, often ungrammatical, always without emphasis, measure, or pathos, retaining the same heavy unvarying intonation of voice in every stage of the discourse, whether argumentation, illustration, application, or exhortation; and all this without one redeeming look, attitude, or gesture, to attract the interest or command the attention of his audience." "His sermons were characterised by feebleness in argument, meagreness in Scripture language and illustration; without fervour, point, or cogency, without touching the character, without affecting the interest or stirring the conscience of his hearers." "In one word, his ministerial gifts and qualities appear to be of the most stinted and cramped character." The great objection was, that

neither the man, nor his sermons, nor his general ministry, were "soul-searching."

The ladies of Portmoak made the following remonstrance to the Presbytery of Kirkcaldy:—"We, the female members of the small remnant still adhering to the Established Church of our fathers in this place, have to state (now that we are called upon to express our consent to or to dissent from the proposed settlement of Mr. Wilson) that we conscientiously refuse him to be our pastor. We heard the presentee with much attention, and can say that his services were gone through in a cold and lifeless manner, devoid of the spirit of light, of the spirit of life, and of the spirit of truth. They were much liker a trifling ceremony than a devout homage paid to the Father of Spirits. We joined with him in his first discourse, when he read to us that covetousness was idolatry; and can there be a more heinous case of it, in the sight of God or man, than he has exhibited by endeavouring to force himself upon a few defenceless sheep? He seems to thrust with side and shoulder, and to push the diseased with his horns, till he has scattered them abroad. 'Woe be unto the pastors that destroy and scatter the sheep of my pasture, saith the Lord.' We say, and say assuredly, that such a one can never advance the kingdom of Christ, or even have any well-grounded hope that his services will be acceptable to him. Reverend gentlemen! the life or the death of the Church is in

your power. You can save or destroy her in your manner of acting towards her. We weep in secret at the prospect of being forced to leave this sacred edifice, in which we and our fathers have worshipped God and shown forth the Lord's death with great delight; yea, her very dust to us is dear. We crave your tenderest feeling to her, and to us; that her name be not blotted out among the Churches of God. May God of his infinite mercy grant you wisdom in this trying time (and us also) so to act with a single eye to his glory, and for the good and edifying of the body of Christ. It is our earnest desire that the Lord would cast down and destroy that wicked spirit of Mammon whereby God's house is made a house of merchandise!"

These things may be sneered at, but no one who knows this country can be ignorant that these views and feelings, and even the phrases, constitute the very soul of Scotch Presbytery.

The objectors, in almost every instance, were right. The essence of their aversion was that they scunnered at the man. And for this they really had, and stated, at least one good reason—indeed, the best that can exist. The club feet and unmusical ears were only resorted to in aid of the great, and the true objection, that after trying the presentee they found him evangelically dead. They used to say that he and his services were "*wersh*"—the most distasteful of all qualities to those who like salt. Accordingly, it may

be predicted pretty safely that the great majority of presentees whom Moderation enables to defy these vulgar considerations will preach to empty walls.

A motion was made for enforcing tests in universities, and this passed, with the single dissentient voice of the Rev. Mr. Brewster, the only Chartist clergyman in Scotland. This humiliating vote was followed by a petition from the Presbytery of Aberdeen, asking for wisdom in reference to the fact that their colleges contained four Professors who did not belong to the Church—two laymen and two clergymen. The petitioners were ordered to deal with those dreadful characters. Medicine without the formula!

But they did not answer the protest. No provocation could make them try their hand at this again.

The working of the old Church of Scotland, unfortunately not now Established, was this. They were perfectly harmonious. Their day has not come yet. Their fund for all purposes during the last year amounted certainly to about £420,600, but this was exclusive of a great deal that has been contributed for local objects without being reported to head-quarters. The real contributions have probably amounted to above half a million. This includes about £52,000 for schools, about £68,000 for sustentation of the clergy, about £32,000 for missions, and for churches built or building, about £230,000. Their Sustentation Fund enabled them to give about £100 (besides their contri-

bution to the Widows' Fund) to each of the 470 ministers who went out, and to 113 more who have since been ordained. They have built about 500 churches. The school contribution of about £52,000 is justly called the Blairgowrie Fund. It has been raised under the management of the Rev. Mr. Macdonald, the late minister of the parish of Blairgowrie, a plain, respectable, sensible man, who has gone about the country organising and soliciting for six months, without being allowed to pass one night in an inn. The object is to build 500 schools at about £100 each. Macdonald predicted last year that he would raise £50,000 by his own exertions, and he has done more. In order to save trouble, and to systematise, he fell upon the principle that each contributor should contribute for each school—that is, that he should contribute five hundred times, and have five years, if he chose, to pay. Thus, a person subscribing 1s. to each school, subscribes £25 in all, or £5 for each of five years; and the subscriber of a halfpenny subscribes at last £1 : 0 : 10 in all. This idea has taken, and already about £52,000 has been partly paid and partly engaged for. The enemy shakes his head at the engagements; and he shook it still more confidently last year at the fancy that fifty ministers would abandon their livings, or that the cause would produce porridge for even these. Meanwhile, so confident are they of their progressive success that they have given about £10,000 for the property at the head

of the Mound in Edinburgh known, ever since I remember, as belonging to a mysterious party called *Todd's Heirs*, for a college. This will have the great incidental advantage of adorning Edinburgh. The most remarkable fact in this treasury of mites is their getting £32,000 for their "schemes," which means chiefly their foreign missions. This is above six times what has been raised for the same purpose within the same period by the Establishment, aided and excited by Toryism, aristocracy, and rivalry, and more than three times above what (I understand) was ever raised by the Church while unbroken; and it was not given in aid of the Free Church or of its ministers, but for objects which make the contribution merely an evidence of this Church's influence with the people.

This influence seems only to increase the bitterness with which the Free Church is persecuted, not only by political faction, but by many men who, though amiable and pious, know nothing of toleration. In some places heritors and kirk-sessions have refused places on the poors' roll to every adherent of the Free Church, however destitute; schoolmasters have been deposed even in private establishments; servants have been rejected and dismissed; and tenants have been warned away—all on the same ground. The favourite malice is for the deluded lords of the soil to refuse sites for churches or schools. The eloquent and excellent Guthrie preached at Canobie this last winter to a

large congregation on the highway, when the blue-bonneted elders had every now and then to draw the edge of their hands across the plate to clear away the snow. The owners of great districts of Argyleshire sterility did not let even a tent be pitched on a Saturday night, though it was to be removed on the Monday morning. And they imagine that this hurts the Free Church! They are so ignorant as not to know that the best thing that could happen to it would be to have some of its best men burned. The ministers of the county of Sutherland, having suffered most, were each asked lately to say whether there was anything, and what, in his circumstances, which gave him a claim for consideration in the distribution of the Sustentation Fund. There is nothing more honourable to Scotland, and little more honourable to human nature, than the magnanimous answers by every one of those brave men. Not one of them made any claim. Each abjured it. One of them stated that though he had been turned out of a hovel he had got into last winter, and had been obliged to walk about thirty miles over snow, beside the cart which conveyed his wife and children to another district, and had nothing, he was perfectly happy, and had no doubt that many of his brethren were far better entitled to favour than he was. These are the men to make churches! These are the men to whom some wretched lairds think themselves superior!

The only effectual obstruction to the Free Church would be to popularise the Established; and this was the object of Lord Aberdeen's Act, but as yet the remedy has worked very ill. The people have been put down, and the Church, which can never exercise authority without abusing it, has got the power that ought to have been conceded to the parishioners. No sect can keep its place in these times, and least of all in this country, without being saturated with religion; and to have Scotchmen religious, yet to have them contented with any minister that a patron, backed up by the Presbytery, may give them is a feat which cannot be accomplished. The old Dissenters used to relieve the Church of its discontent, but their poverty and vulgarity required a strong case to make people join them. Now that a Secession has arisen, graced by rank and respectable in funds, and still warm with the Establishment's best blood, every blunder of patronage will give a new congregation to the Free Church—and patronage will blunder.

On the 23d of July 1637 Jenny Geddes threw her stool at the Dean of Edinburgh's head; a proceeding for which, at the distance of two hundred and seven years, she is still respected. Another Jenny has appeared, against whom and her principles all the lairds in the Empire will persecute in vain. This woman, Jenny Fraser, occupied a few yards of ground in one

of the Duke of Buccleuch's parishes which, it was discovered, were not his but hers, being the only spot in that inconvenient condition. She was offered an extraordinary price for it. Though but a poor crofter she had the spirit to say—"Na! It cam' frae the Lord, an' the Lord wants 't again, an' he shall hae't!" And there is now a Free Church erecting upon it. The exact truth of this anecdote I cannot vouch for, as I have it only on information; but the information is such that I firmly believe it to be substantially correct, and though the statement has for months been familiar to the public it has never been contradicted.

27th July 1844. A few days ago Sir William Hamilton was struck with palsy, and, though he should survive, is practically gone. Macvey Napier writes to me—"I have seldom received such a shock; who could have thought of such a blow falling upon so strong and temperate a man in the vigour of life, for he must, I think, be under fifty-five? What inscrutable dispensations we see around us. Here is a most worthy man, of vast erudition, and great attainments in speculative philosophy, all concurring to make a highly useful and respectable public teacher, in an instant felled to the earth, while hundreds, nay thousands, of cumberers of the soil go about erect, with no other vocation but to eat and drink. A wife

and some half-dozen children make it a cruel case. The loss to the world—for, when the power of the right side is gone, and speech has failed, we may almost view it as a certain loss—I consider to be great. In erudition he is surpassed by no man alive, and I know not where we can look for such a professor of metaphysics and logic. Altogether, it is an occurrence to sadden the heart." All true. He is an excellent, laborious, and learned man, a great sounder of intellectual depths. His learning indeed is vast, and was hourly amassing. An indistinct utterance, an awkward bashful manner, though with a look of apparent sullenness, and a taste for abstruse profundity prevented his being practically a first-rate teacher or lecturer. The art of oral instruction seems singularly difficult. It is by no means implied in a complete command of the subject, even when this is joined to considerable power of speaking or of writing. A great lecturer, besides these, must be precise, yet not dry; lucid, but not superficial; animated, but not declamatory; and, above all other qualifications, he must be familiar with all the depths and shallows of his hearers' minds in reference to his language and to the matter to be taught, so as to avoid the common and fatal error of pursuing his own thoughts, while they have no thoughts to pursue, and of diving or soaring while they, if awake, are staring at him from the flat earth. No mistake is more usual than that of

supposing that the power of acquiring, and that of communicating, knowledge is the same, and that the lecturer evincing the one must evince the other. And even knowledge is not all that a truly good lecturer has to teach. He has to teach the art of acquiring knowledge, the art of acquiring the habits and the powers of acquisition. This was the triumph of John Millar. But though Sir William does not always carry his students along with him into his recesses, his success as a teacher has been very considerable. His very reputation has tended to inspire his pupils.

30th July 1844. A great procession of trades, masons, magistrates, and nobility yesterday in Edinburgh, at laying the foundation-stone of the Baths for the poor, succeeded by a meeting in the evening in the Music Hall. Lord Dunfermline was in the chair and, as usual, made a sensible speech to about 1500 of what are termed *the* working-classes, as if the only workers were those who wrought with their hands. This movement of purification in Edinburgh has been imitated in other towns. The habit of cleaning the skin is undoubtedly useful, not merely for bodily health and pleasure, but for its sympathetic moral influence. But still I almost despair of the ultimate success of this abstergent aspiration. I can predict no permanent success for it. They cannot be made cheap enough;

and Sawney has not tidiness to keep them in order. Not only coal but water is dear in Edinburgh. If money be raised by the rich to set baths for the poor agoing, which seems very questionable, the poor will not maintain them. Baths, whether cold or warm, are the luxuries of a hot climate; and Scotland has yet no popular taste for luxury of any kind. Though we may have water frozen naturally here for at least four months every year, and actually have it at least one, yet ice is rarer and dearer in Scotland than in Sydney or Calcutta. Still, this stupidity of taste is one of the best reasons for wishing success to what is now being attempted. Everything is good that tends to produce better habits and desires.

A silver testimonial was on this occasion presented by the working-men to James Simpson, advocate.

Nothing but the fact could have made me believe it possible that my old acquaintance could have succeeded as a lecturer upon anything. I, who have known him since we were schoolfellows, know his worth. But I also know the prevailing inefficiency, the happy vanity, the phrenological folly, and the tendency to talk about himself, which have long, and not unnaturally, made him rather an object of ridicule with the upper classes in this his native place. But a pure flame may rise through much dross. The existence of one power is consistent with great general

weakness. There are thousands who can do one difficult thing well, and nothing else.

A general benevolence of disposition is concentrated by Simpson on a love of improving the happiness of the lower orders, and the devotion, for many years, of his whole ambition to this object has made him well acquainted with their condition and feelings, and with the art of commanding their attention. Reasonably pious, and moderately liberal in his public opinions (though not known as a partizan any way), his discourses are not devoid of general recommendations of liberty, but he makes no use of politics, and not much of religion, as topics for the mere excitement of his hearers. No atom of his popularity is owing to his taking occasion to promote the interests of any party or sect. It is owing solely to the usefulness of his practical instruction, and to his motives. His object is to reconcile the poor man to his condition, by explaining its necessity and uses, by showing how happiness may be extracted out of it, and how individuals may rise above it. For this purpose, the principles, so far as the poor need know them, of population, pauperism, wages, strikes, machinery, and similar political matters are made clearer than they probably ever were before to this class of people; while the moral and personal duties of education, temperance, pecuniary prudence, affection, domestic order, a taste for intellectual culture, and the habit of

decorous recreation are shown to be all within their reach, and all conducive to the hourly pleasure of the poor, just as much as they are to that of the rich. In other words, the whole economy of a good and wise poor man's life is unfolded. And this is done in a manner that just suits this one thing. There is no eloquence, and indeed no weight. But there is fluency, clearness, good, homely, and often jocular illustration, an obvious sympathy with the people's feelings, and a heartfelt desire to do them good. It is this knowledge of their state, and this humane desire to improve it, that accounts for their regard for him.

As an addresser of the lower orders, on the practical truths which they have the greatest interest in knowing, and with a complete exemption from everything calculated to inflame, he has no existing equal that I am aware of. Sneered at by most of the upper classes, who never try to get the better of his bad common talk and manner, he has given gratuitous* courses of lectures in most of the considerable towns of Scotland and England, and has never failed to gain the confidence of the poor by merely speaking to them on the severe but hopeful truths applicable to their position. No discontented workman need go to one of Simpson's lectures if he wants to be flattered, or to

* The highest fee I ever heard of was a penny a lecture from each hearer, oftener a halfpenny, never more than what defrayed the expenses; and all this generally arranged by others.

be confirmed in sulky or extravagant views. But no mechanic lad, with hard hands and a dusty brow, and vague dreams of something better, and no father of an ill-fed family, who finds it difficult to believe that the system of society is right since his sufferings are so great, can come away from one of them without being consoled and elevated, without having useful enjoyments and reasonable hopes brought within their attainment. There should always be such an apostle of the poor in every community.

11th August 1844. On the 6th instant the long-prepared and long-talked-of "*Commemoration of Burns*" took place at Ayr. It was a great gathering of people, "gentle and semple," to do homage to by far the greatest of all Scotland's poets, on the scenes of his birth and of some of his best compositions, and on the occasion of his three sons happening to be all at home. Of course it was a bad day, which half-spoiled the procession; but there was a wooden building which sheltered about 2000 people during a collation and much eloquence. Lord Eglinton, an able man and not at all a bad speaker, was in the president's chair, and Professor Wilson in the croupier's. But on the whole, candid minds (for I was not there) make it rather a heavy affair. The great defect was in the absence of eminent men. Wilson was the highest in literature; Eglinton the only one of high rank.

Every year makes me the more afraid that henceforth Burns' glory must contract, not extend; and this solely because the sphere of the Scotch language, and the course of Scotch feelings and ideas, is speedily and rapidly abridging, even in Scotland. The lower orders still speak Scotch, but even among them its flavour is not so fresh and natural as it was fifty years ago, particularly in towns. There are more English words, and less of the Scotch accent and idiom. This is the necessary consequence of the increased habit of reading English books, and of listening to English discourses, and of greatly increased English intercourse. When I was a boy no Englishman could have addressed the Edinburgh populace without making them stare, and probably laugh. We looked upon an English boy at the High School as a ludicrous and incomprehensible monster. Now, these monsters are so common that they are no monsters at all; indeed, there are Scotch schools (the Edinburgh Academy, for example) from which Scotch is almost entirely banished, even in the pronunciation of Greek and Latin; and the sound of an English voice in a popular assembly of the lowest description is received with great favour. Still, however, Scotch is pretty deeply engrained into the people, but among the gentry it is receding shockingly. Among families spending £700 or even £500 a year, it seems to me that there is a majority of the modern children to whom, in his Scotch poems, Burns

is already a sealed book. I could name dozens of families, born, living, and educated in Edinburgh, which could not produce a single son or daughter capable of understanding even *The Mouse* or *The Daisy*. English has made no encroachment upon me; yet, though I speak more Scotch than English throughout the day, and read Burns aloud, and recommend him, I cannot get even my own children to do more than pick up a queer word of him here and there. Scotch has ceased to be the vernacular language of the upper classes, and this change will go on increasing with the increasing intercourse which rolls the language of the greater people over our surface. Railways and steamers, carrying the southern into every recess, will leave no asylum for our native classical tongue. I see no other remedy except to treat it as a dead language. I would teach it as a regular branch of education. Burns, Scott, and Wilson, besides many others, have made this as reasonable as to teach some continental languages which the want of opportunities of speaking make the half-learners quite sure soon to forget. Scotch cannot be obliterated without our losing the means of enjoying some of the finest productions of genius, and of understanding the habits and characters of one of the most picturesque of European nations, and of losing an important key to the old literature, even of the south. Above all, we lose *ourselves*. Instead of being what we are, we become a poor part of England.

30th September 1844. I have been on the South Circuit; and at Ayr for the first time judicially. I used to be often there formerly. It was then (very soon after I came to the bar) filled with the families of gentlemen—from the county, from India, and from public service; and was a gay, card-playing, dancing, scandal-loving place. There seemed to be a dinner, or a tea and card party, every day at several houses of Kennedys and Boswells and Crawfords and Dalrymples; lots of old colonels and worthy old ladies; and to get up a ball, nothing was wanted but for somebody to suggest it, and they would be footing it away in a few hours. The taste for scandal probably remains, but all the rest is gone. There are more people in the town now, and they live in better houses. There was no Wellington Square, and scarcely a suburban villa in my day. But the sort of gentry who formed its soul exists no longer. The yellow gentlemen who now return from India take their idleness and their livers to Cheltenham and Bath. The landowners don't reside even in the shire, or at least few of them, but leave their seats cold, under a general system of absenteeism. The Municipal Reform Act has deprived the burgh even of the wretched political importance of its town-council. The individuals whose station, age, habits, or characters gave respectability to the comfortable county town are gone; and their very families—the scenes of such mirth, beauty, kindness,

and enjoyment, have entirely disappeared. The fashion of the Ayr world hath passed away. The great family of Cassilis had formerly a large mansion, which was standing ten years ago, for their winter residence in Maybole! The meaning of this was, that the clustering together of the adjacent families made even Maybole agreeable; or that the inconvenience of living in that village was less than that of going ten miles further to Ayr. These were the days of no roads, and of detached communities. All things now are melted in one sea—with a strong Corryvreckan in it, sweeping everything towards the metropolis. This has been the process in all provincial capitals. Improved harbours, railroad stations, better trade, and larger masses of migratory people have succeeded; and those who prefer this to the recollections of the olden time will be pleased. My *reason* is with the modern world, my *dreams* with the old one. And I feel, as to the ancient days, that much of their enchantment arises from distance.

I find that Ayr still boasts of its peculiar female beauty. I scarcely ever knew a provincial town that did not. Ayr is not behind; but though on the lookout, I can't say my eyes were particularly dazzled. There was one fair figure, however, that haunted my memory —that of her who, in the former days, was Marion Shaw, and is now the widow of Sir Charles Bell. Beauty such as hers was enough for one city. That

portion of it which belonged to the mind is as bright and as graceful as ever, and there are few forms with which Time has dealt so gently. But the place knows her no more.

My book on the Circuit was Burke's recently published letters. I took it because Jeffrey, who is in England, wrote to me that he had been reading it, and that it is "to me full of the deepest interest and delight—the greatest and most accomplished intellect which England has produced for centuries, and of a noble, loveable nature." The "centuries" cannot go beyond two, because three would include Bacon and Shakspeare, and even one includes Newton, with any one of whom Jeffrey could not mean to compare Burke. But no doubt the person he was fascinated by when he wrote these words was great and accomplished, noble, and loveable. Nevertheless, *for the public*, his correspondence must be a dull book. For one writing a history of England during the last half of the last century these letters may be invaluable, because they are occupied by parliamentary details, and by statements about the political manœuvres of the great political families. But what is all that to the general reader? Nothing can be more wearisome than vague allusions, or even precise statements, touching bygone court intrigues, counter-jobbings of Whig lords against Tory lords, and parliamentary movements, which, however absorbing in their day,

left no permanent traces on the surface of the waters they ruffled. Macaulay is meditating an article in the "Edinburgh Review" on this correspondence, and there can be no doubt that he, the future historian of Burke's time, will make it the finest thing in the world. But, to others, he may be assured he will never make it have an atom of the interest that will attach to the Review.

And surely Burke's whole thoughts and days were not given up to party politics. Did he *never* write of literature? or to ordinary friends? One could scarcely guess, from reading these letters, that he had any literature, or was intimate with Goldsmith or Johnson, or that a thing called the people existed in this country. It is all Lord Rockingham against Lord Somebody else, or the King against them all. Did he never philander, or go to the literary club? Certainly he did. Then as certainly he wrote about these things; and why are they all kept back, and little given except the party proceedings which he himself declares he wished chiefly to forget? It is refreshing to come to his two letters to Arthur Young about carrots and swine. I cannot conceive how so many letters could be extracted from the correspondence of a man so immersed in life, without almost a single description of a man, or of a scene, an anecdote, or even a graphic account of any of his favourite House of Commons occurrences.

The letters are all well written—but not as letters.

They are too formal and didactic. Still, as expositions of principle and of his own views, and a few on other matters, they are admirable.

1st October 1844. In the end of August the foundation-stone of the monument which is to be raised in the Calton Hill burying-ground to the persons described as "the political martyrs of 1793 and 1794" was laid. There was a procession, chiefly of the friends of universal suffrage. The stone was laid without masonic pomp by Joseph Hume, who made a strong but not an outrageous speech. Then came a dinner, at which Sir James Gibson-Craig was induced, by some who wished that the characters of deceased Judges should be dealt with as tenderly as possible, to preside. He made himself a judicious drag, though such dragging would have dragged him to Botany Bay if he had practised a tithe of it in the days he was referring to. After this sedative an effervescent was administered in the form of a cheap "soiree," presided over by a Radical, where no doubt all the suppressed matter transpired. This display made little immediate popular impression, because it touched no living matter visibly; but it was felt all over Scotland, especially by those who disapproved of it, and those were but a small portion compared with those who, openly or inwardly, approved. It is indeed a striking event. Whether the accused were guilty or not, no candid

man acquainted with the facts can doubt that they were unfairly tried and ferociously punished. The proceedings of the old Scotch Privy Council, when they had a Covenanter before them, and Lauderdale or Dalzell to guide them, were not a greater mockery of justice. The Privy Council tortured and murdered under less law. Accordingly, no merely judicial misdeeds have ever made a deeper or more general impression among the people of Scotland; and this building, though called a monument *to the martyrs*, is in truth, and is felt to be—and hence the horror of some, a pillar of disgrace to the delinquent Judges. Their names, no doubt, will be engraven upon it. So open a modern condemnation of Judges does not exist elsewhere in Britain. Would it were less just.

But no public monument is due to these men. Private friendship may mourn over Muir, Palmer, and Gerald, and may erect some memorial of their virtues and sufferings. But, on public grounds, they have no claim to any pillar. Except Muir, none of them were guiltless. But supposing them all to have been so, and making the additional and surely very large assumption that the reform in prosecution of which they fell was rational, still they have a heavy account to settle with posterity.

They are said to merit public gratitude by their wisdom as reformers, and their courage and sufferings

as martyrs. Apart from the wisdom, there is no merit in the courage and suffering. If the reform was bad, the martyrdom was foolish. We may admire honesty and firmness even in a useless or a bad cause, but we erect no public monuments for mere personal virtues unconnected with public objects. Now, the man least entitled to the gratitude even of his own party is he who, approving of their leading principle, obstructs its success by conceited and obstinate rashness. Whatever independence may be allowed to mere speculation, with practical reformers disregard of practicable season is the worst of all follies; and it is the less excusable that it commonly proceeds from the vanity of being first, or solely, right. No adherent of a party, and no member of any community which can only do good by union, is entitled to precipitate the concerns of the society by insisting on practical experiments recommended by his solitary wisdom. He may possibly be right; and if so, he may secure the honour of his superiority in other ways, and the world may at last find out that it has been a loser by its mind not having been so early ripened as his was. But whatever may be the case with such truths as are equally destined for all ages, present practical liberty is never advanced by the disclosure of measures which only alarm, by attempts which only provoke power to crush them, by martyrdoms which, while they attest the enthu-

siasm of the sufferers, were not necessary for their honour, and tended to defeat their objects. I am confident, from actual observation, that the broaching of the doctrines of universal suffrage and annual Parliaments—absurd at any period, but worse than absurd in 1794, very greatly retarded the progress of all liberal opinion in Scotland. It brought the whole question of the Representation into discredit. The intentions of these reformers may have been good; but, in effect, they were the enemies of liberty. It would not have required any unusual portion of modesty to have enabled them to see the tendencies of what they were doing, for the brother-reformers who refused to join the Convention did so, and warned them. The truth is, that if they had been properly tried, and properly punished, the idea of raising a monument to their memory would never have occurred. *It is not to them the memorial is erected.*

19th November 1844. On the 15th Rutherfurd was chosen Lord Rector of Glasgow by a majority of three of the four nations, and he lost the fourth only by a casting vote. His competitor was Lord Eglinton; but his Lordship failed solely because he is a Tory and a Churchman, whereas Rutherfurd is a Whig and rather a Free-Churchman. The result is the more remarkable that all the divinity students are (of course) now friends of the Establishment, but the Whiggism

and the Free Church opinions of the lay students prevailed. Maule, Rutherfurd's predecessor, did not instal for his last year, because, being a Free Churchman, he could not sign the formula. There can be little doubt that, when Rutherfurd presents himself for installation, certain persons, whose consciences were haunted by no tests when Peel and others were in his place, will hold out a pen and the formula to him. He will proceed as Dunfermline did a year ago when he was asked to sign on his admission as Dean. He will ask the Senate if they require this. A majority will answer that they do not. On this the forms of installation will probably be gone through, though not without protests and calcitration, and probably retirement on the part of the Principal and his adherents. What the *legal* effect of such an admission, if it should be challenged, will be I cannot say; but I fear.

14th January 1845. Last Friday, the 10th, Rutherfurd was installed Lord Rector of Glasgow. Several of his friends (*inter quos ego*) went with him. He made a judicious and pleasant address, in his style of pure and elevated thought and finished expression. Its defect was that, being every word pre-composed, it wanted the force and freshness of immediate conception, a defect adhering necessarily to mere recitation. Chalmers is the only man who can bring forth the iron he has already forged and moulded as hissing red-hot

as when it first came from the furnace. I have never known another reciter of a speech (for theatrical recitation is a different affair) who could avoid weakening the sentence in his mouth by not thinking of the one that was to come.

CHAPTER XII.

1845.

22D JANUARY 1845. Our New and Old Greyfriars Churches, both under one roof, were burned, one of them irrecoverably, last Sunday. No building could be uglier, but it stood in a noble situation, surrounded by the most historical churchyard by far in Scotland. No Scotch cemetery contains so many interesting monuments of great names. I am glad to see that three slabs, all close together on the south-west corner —to M'Laurin, Blair, and Allan Ramsay—are uninjured. Indeed, most of the outside monuments are safe. All the inside ones, of which there were several, are destroyed. So is the wooden table said to have been John Knox's. If any Church be kept up there, it ought to be a single one, handsome, but massive and calm. Not another corpse should be allowed to be laid, except in the private burial-grounds. The common ground is far too crowded already. That churchyard should be made a Pompeii of. It should be sent down to posterity as it is, except that the descendants of the old and once-honoured dead should be induced

to repair and purify it, without modernising the black mouldering tombs and defaced inscriptions. It will be far better to have no church at all, but to leave the ruin only heavy with ivy.

Hugh Miller has sent forth "A Voice from the Greyfriars" and "A Voice from Lady Glenorchy's," the last being the church built and given to the Establishment by Lady Glenorchy sixty or sixty-five years ago, and now removed by the North British Railway. It stood on the low ground east of the North Bridge, —a locality once a favourite in Edinburgh, but now, and for a long while, abandoned to squalid discomfort. That ground will henceforth be known only by the railway, but it was formerly our Botanic Garden, beside which stood the Orphans' Hospital, Lady Glenorchy's Church, Trinity Hospital, and Trinity College or "College Kirk," as it is commonly called. Lady Glenorchy's, the recognition of which by the Establishment was one of the few triumphs of the Wild about sixty years ago, has now nearly disappeared. Her pious bones were exhumed a few days ago and consigned to other dust. The Orphans went some years since across the Water of Leith, but their old asylum yet remains. The inmates of Trinity Hospital are soon to emigrate to one of the formerly noble houses of the Canongate; and instead of their now very ancient domicile, we shall speedily be treated to some

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railway abomination. Trinity Church, one of the oldest and most Gothic edifices in Edinburgh, is for the present to be spared by the insolent Vandals who boast that they only mean to half-bury it.

This Hugh Miller is an original and powerful man. A few years ago he was a stonemason at Cromarty. He has distinguished himself by some tales; and then as the author of the "Walks in the Old Red Sandstone," a work of great geological merit. When the Free Church struggle began he came to Edinburgh, and became editor of a Free Church newspaper called the *Witness*, which he still conducts. He was led into this line by his conscientious interest in the cause, an interest that arose necessarily from the general tastes and principles of a mind steeped in the old Covenant, and indignant at the injustice by which the Moderatism of the aristocracy has, for about seventy years, been trampling on the just rights and propensities of the people. No living man has written or writes so well, either on this subject or on geology. There is no better geological writer since the days of the still unrivalled Playfair. The two most powerful of modern self-educated writers are Hugh Miller, and Elliott the Corn Law rhymer. His "Voice from the Greyfriars" gives a striking description of the fire, and recalls some striking scenes in the past history of the church. The "Voice from Lady Glenorchy's" is on his favourite topic—of the systematic resistance of

Moderatism to the progress of Evangelical Presbytery. There is much in both "Voices," as in all his religious explosions, at which it is very easy to sneer, and a great deal at which a reasonable and pious man may wonder; but nobody can fail to admire his sincerity, and the unmatched vividness of his writing. His personal character is most admirable.

3d February 1845. I have all my life had a bad habit of preserving letters, and of keeping them all arranged and docqueted; but seeing the future use that is often made of papers, especially by *friendly* biographers, who rarely hesitate to sacrifice confidence and delicacy to the promotion of sale or excitement, I have long resolved to send them all up the chimney in the form of smoke; and yesterday the sentence was executed. I have kept Richardson's and Jeffrey's, and some correspondence I had during important passages of our Scotch progress; but the rest, amounting to several thousands, can now, thank God, enable no venality to publish sacred secrets, or to stain fair reputations, by plausible mistakes. Yet old friends cannot be parted with without a pang. The sight of even the outsides of letters of fifty years recalls a part of the interest with which each was received in its day. And their annihilation makes one start, as if one had suddenly reached the age of final oblivion. Nevertheless, as packet after packet smothered the fire with its

ashes, and gradually disappeared in dim vapour, I reflected that my correspondents were safe, and I was pleased.*

6th April 1845. A public meeting was held here a few days ago to form a Society for protecting the public against being robbed of its walks by private cunning and perseverance. The first resolution states "That the citizens of Edinburgh have cause to complain of various encroachments on their rights of access to many rural localities of traditionary interest and picturesque beauty, which afforded innocent gratification to them, and proved objects of attention to strangers." That they have!

When I was a boy nearly the whole vicinity of Edinburgh was open. Beyond the Causeway it was always almost Highland. Corstorphine Hill, Braid Hill, Craiglockhart Hill, the Pentland Hills, the sea-side from Leith to Queensferry, the river-side from Penicuick by Roslin and Hawthornden to Lasswade, the valley of Habbie's How, and innumerable other places, now closed, and fast closing, were all free.

* A book entitled "Letters chiefly connected with the Affairs of Scotland," etc. has recently been published by the Right Hon. T. F. Kennedy. It contains letters of Lord Cockburn of a strictly private and confidential nature, the publication of which Lord Cockburn himself never would have permitted. They have been made public without the sanction or knowledge of his executors and family.—Ed.

Much of this was the indulgence of private owners certainly, but much more of it was because, by the long usage of an unenclosed and very ill-ploughed country, the people had acquired prescriptive rights. But when improvement began ways were taken in. The obstructed blustered; but law was dear, and the owner was constantly on the spot to enlarge and to defend his usurpations. Scotland has very few individuals with heavy purses and dogged obstinacy to stand up, as in England, for their rights. The interest of the gentry was in favour of private property, and all public agitation or resistance was discouraged. The Scotch are not gregarious in their pleasures. Each Justice protected his brother, knowing that he would shortly require a job for himself. Thus everything was favourable to the way-thief, and the poor were laughed at. The public was gradually man-trapped off everything beyond the high road. This Society may still do some good, but it is about fifty years too late. The true thing to humanise the people, and *save property*, is to have a footpath through every field. The alleged mischievousness of the Scotch, *when they are trusted*, and have an interest in preserving what they are allowed to enjoy, all my experience induces me to deny. Why, amidst all the beauty that surrounds Edinburgh, have we never had a single English hedge alehouse or English country inn? Whisky, no doubt, is a devil; but why has this devil

so many worshippers? Chiefly because exclusion, with its horror of open sunny recreation, will give the people no deity to follow. Now that temperance, and even total abstinence, have been proved to be not universally impracticable, nice, well-placed, Auburn inns, had we any way of reaching them but the high-road, would certainly succeed. But we must be able to get to them through green fields, happy with white lambs, and fragrant with fresh-mown hay, or rich with heavy grain. We shall then be trained to sit, without being stared or laughed at, on clean chairs, set out on the garden turf; to be sober, though merry; and well-bred and at ease, though other parties, equally happy, should be near us. Would that our dun sky could borrow some of the Italian blue; but much of the coarseness of our climate would be abated if we turned the good that is in it to better account.

April 29, 1845. Moncreiff and I have been on the North Circuit. At Perth we went to church in procession on Sunday, and were preached to by a young clergyman, who gave forth as his text,—"What are these that are arrayed in white robes? and whence came they?" (Rev. vii. 13). Though the words do not refer to the Lords Commissioners of Justiciary, yet, as there is a good deal of white on our gowns, all eyes were on us in a moment. It is possible that the selec-

tion of this passage was accidental; but it certainly was not so when a clergyman preached at a stiff grim advocate-depute, Samuel M'Cormick, about thirty years ago. His text was, as he read it—"And Samuel went from year to year in circuit to Bethel, Gilgal, and Mizpeh" (1 Sam. vii. 16). These places meant Jedburgh, Dumfries, and Ayr. The Lord Justice-Clerk (Boyle) and Samuel, who were stuck up in the front gallery, were visibly much offended, which did not diminish the smiles and winks of other people.

Any minister who prostitutes the pulpit by such personally punning texts, should be punished on the spot. This would be the true practical commentary. Even the text-puns that are not personal, but expound the subject, are reprehensible, though some of them have been very witty. Swift, Sterne, South, and Sidney Smith have all given excellent specimens of it.

When Lord Moncreiff was at Glasgow judicially for the first time he went, as is his wont, to hear his friend, the pious and venerable Dr. Brown, preach. He was unwigged and unrobed, but perfectly well known in that congregation. The worthy doctor was not dreaming either of this Judge, or of circuits, or any thing of the kind. But his text began,—"There was in a city a judge, which feared not God, neither regarded man" (Luke xviii. 2). He had only uttered these words when the turning of all heads made him see the learned lord, and he could hardly proceed from confusion and

horror. The text has stuck to Moncreiff, the most religious among us, ever since.

18th May 1845. Dr. George Cook died at St. Andrews a few days ago, and with him disappears the last of the Moderate leaders of a generation now rapidly closing. He was the smallest of them all. His defects as a leader were, that he had no eminent powers, and never impressed even his own side, which only followed him from a habitual conviction of his steadiness. He was redeemed by no splendour or force, though as a speaker he was fluent and judicious. Though for many years he held a high place, he never held it highly; and it was the same thing with his literary position. With the exception of his "Life of Principal Hill," his works are all sensible and useful. Yet he was rarely thought of as an author. No public elevation could relieve him from the doom of personal mediocrity. But still he was a respectable and useful man, sensible and industrious, perfectly free of violence or bitterness; and if occasionally tempted, as all leaders are, to gain proselytes, when in distress, by that skill which opponents call cunning, in general he was open and fair both in his objects and his means. I never knew him counsel intemperance, or do or say anything calculated to give the slightest personal pain. On the contrary, gentleness and good nature interfused themselves into all his sentiments and pro-

ceedings, even during the actual onslaughts of his polemical wars. The wisdom of his resistance to all the efforts of the Wild party, during the last twelve years, to obtain some relaxation of what the people called their grievances may well be doubted; but in reference to the opinions which he held, his conduct throughout the whole crisis was excellent. He was one of the very few of his own party who stood firm to his principles, avowing, and shocking them by the avowal of the truth, that for above eighty years the Moderate party had been defrauding the people of the law. Having admitted this, and being satisfied that the law, if fairly administered, was right, he consistently resisted every organic change, from the Veto down to Lord Aberdeen's Bill. Through all these scenes he was a true and honest representative of the principles of the old Moderate party, though not of their abuse of those principles. But the best part of his public career was in his resistance to pluralities. He, with many others, left his party on that important question, and threw his whole strength into the long battle by which these mischiefs were overcome. As a country minister, a professor, a neighbour, a friend, and the head of a family, he was uniformly beloved and respected. What he and his friends supposed the distinction of his life was in truth its only misfortune. Had he never been tempted by the poverty of his party to become its head, he would have avoided much distrac-

tion without the loss of any real reputation; while, if he had devoted himself to his historical literature in the manse garden of Laurencekirk, or amidst the antiquities of St. Andrews, he might, by greater knowledge, and a more vigorous style, have redeemed the clergy of his native country from the imputation of want of learning and of philosophical thought. But how many men who might have covered their names with evergreen laurels have sacrified these to the seductive but perishable glory of present power.

A far superior professional brother died in the end of April last—Dr. David Welsh, the moderator who led the Free Church off from the Establishment in May 1843. His name will survive in history from his having had the honour of being the official leader in that great movement, and if, as is probable, Brown's "Lectures on the Mind" shall maintain a permanent popularity in British philosophy, Welsh's biography of his friend will live as long. This, as Mackintosh says, is "a pleasantly affectionate work, full of analytical spirit and metaphysical reading; of such merit, in short, that I could have wished to have found in it no phrenology." But the merits of Welsh were far greater than what either analytical spirit or metaphysical reading imply. Besides general cultivation and a depth and accuracy of knowledge which made him eminent, first in the Established and then in the Free Chairs of

Ecclesiastical History, he combined an acquaintance with practical life with literary habits, and the manners of a sensible gentleman with the simplicity that befits a clergyman. He is a great loss indeed to the Free Church, which will fly into several errors of illiberality from which his judgment and taste would have scared it.

8th June 1845. On the 1st of May Rutherfurd made an admirable speech in Parliament on moving for leave to bring in a bill for abolishing college tests in Scotland. It was so good a speech that it had the rare effect of changing the previously announced resolution of Government to refuse the leave. It was not only conceded, but on grounds which indicated the inclination to grant, or at least not to oppose, the measure. And indeed it is not easy to see how it can be resisted by a Government which is at this moment engaged in planting three or four colleges in Ireland, which are to be open to professors of every creed.

This dawn of liberality alarmed the Church, and on 27th May a resolution *in favour* of these tests was carried in the General Assembly by an immense majority; and this, though the opposite motion only proposed to modify the tests "in so far as they tend to exclude *any class of evangelical Christians.*" The Church would have no Christians except itself. Among the minority (which I think consisted of

eleven) there were only two clergymen—Dr. Ferrie of St. Andrews, and the Rev. Mr. Easdale. Dr. Robertson (late minister of Ellon), who succeeded Dr. Welsh in the college of Edinburgh, and who means to be the new Moderate leader, called the proposal to abolish the tests (except as to theological chairs) an "infidel measure." But the humiliating circumstance was, that the motion in favour of them was made by the Principal of the University of Edinburgh. Edinburgh is the university which demonstrates the folly of those vain but teasing checks, because it has anticipated a wiser age by ceasing to enforce them for nearly a hundred years; and that the splendour of this freedom has ever been dangerous to religion has never been insinuated. Yet the head of this establishment, who has himself concurred in admitting Episcopalian dissenters who, he knew, despised his tests, was the man who took the lead in resisting the introduction of a law to legalise his own acts. This shows how rarely liberality is compatible with the clerical character, for he is a learned and good man, and so very moderate, that had he not been a minister he would certainly have been decided against these antiquated follies.

And it is strange that on the very day before there was a minority of forty-one, including ten ministers, in favour of increasing the Government grant to Catholic Maynooth. This was opposed by 185; but the forty-one are the wonder—most of them, including

the *infidel* Robertson, being so stern for the Church that they were for testing out every professor who was not of their own sect in Protestantism. The inconsistency is explained by the circumstance that Maynooth was a Government measure.

The Free General Assembly had no material public business this year except on these same tests and Maynooth. On Maynooth, being intolerant and honest, they were unanimous against the grant. Instead of seducing forty-one, Government could not get one.

They were also unanimous in favour of the abolition of the tests; but with an explanation which showed that they only wished the gates of our colleges to be opened to themselves. They declared that there should still be such tests as might "secure that all instructors of youth be men holding in sincerity and soundness the truth as it is in Jesus." They would not allow Priestley, a Unitarian, to teach chemistry; Herschel, a Jew, to show forth the glory of God in the heavens; a Hindoo to teach Hindostanee; or a Catholic anything; and all this they avow! Notwithstanding this, and one or two other lamentable follies,* they are still advancing magnificently.

* Such as discovering that the old paraphrases at the end of the psalm-book are "unsound in doctrine," and "not scriptural." I wonder if it be the want of the quaint versification. They have been singing them all their days, and every intelligent face in every kirk glints up whenever a paraphrase is announced.

Instead of 470 outed ministers and 470 congregations, they have about 625 ordained ministers, and 700 congregations. Their funds confound all their rivals. The fond prediction of their enemies a year ago was that they had exhausted themselves by their first year's effort, but their second year greatly exceeds their first. The moral impression of the party, and its almost European station, elevate it above all other native sects more than even the splendour of its voluntary treasury. Its hall (still at Tanfield) was crowded, though it be supposed to hold above 3000 people. The Assembly was bowed to, and shaken by the hand, by deputations from religious communities that never sent their representatives on such a pilgrimage before. The interest in their proceedings was deepened by the retirement of Chalmers from the public management of their concerns, and by the recent death of Welsh, whose character, considering his gentleness and liberality, it is honourable to them to revere. My old schoolfellow, Patrick Macfarlane, who left Greenock—the best living in the Church, was the Moderator.

It is impossible for me not to admire a party which I think was driven, because it would not betray its ancient principles, from a comfortable Establishment which it loved, and whose fidelity to the people of Scotland is attested by the unexampled sacrifices which the people make to support it and its cause.

But the narrowness of its opinions and the intolerance of its spirit cannot be denied. In politics it is better than the Church it has left; in fanaticism it is worse. But, indeed, what a fanatical age we live in! This increased grant to Maynooth, and other indications that the idea of Catholic places of education has found access into the mind of Government, have disclosed what an amount of half-dormant bigotry survives. The Quakers alone excepted, no sect has the remotest idea what toleration means. Their mutual ferocity is disgraceful, and I hope the time will come when it will be incredible. The law fortunately does not permit them to massacre and torture each other, but in their hearts their reciprocal hatred is as bitter, and its reasons as absurd, as it ever has been in any country since the Reformation. Sectarians, whether established or not, are agreed only in their taste for persecution. Considering the rapid rise of the Catholics, and the horror which they and the Protestants have for each other, it is not easy to see how the wars of the League can fail to be renewed. Yet, instead of trying to prevent or mitigate such feelings by charity and common sense, each party seems to think it its duty to aggravate them by intolerance. The language of each sect to all other sects is this:—"It is our duty to maintain the truth, and to root out falsehood. Your religion is false, ours is true. Therefore, regardless of what is called policy, which we

despise, we think that in showing no mercy to you we are doing what is agreeable to God." This apology for eternal persecution is the habitual sentiment. The hostility of Catholic and Protestant, and of Established and non-Established churches, is intelligible, in so far as they differ on the practical matters of power and of endowment. But nothing so gross can account for what exists. It is far less on any such tangible matters that religious factions are estranged, than on points of mere theological repulsion. When we lift up our eyes to the stars, or gazé upon the splendid sunset, how incredible would it appear, did we not know it to be the fact, that there are millions of educated men who debase the author of those glorious spectacles by ideas of his nature derived from the meanness of their own, and who believe that they please Him by quarrelling with each other about some meaningless phrases and ridiculous ceremonies! But such is the fashion. Is a religious man of sense and candour wanted? Seek for him among those above sixty. They were educated in an age which, however horrid politically, was far superior to this in religious liberality. There are younger men who care little about religion; but among those who care deeply about it do not expect to find it often combined with moderation and impartiality. These younger pious men have got their feelings under the influence of the modern taste. As yet the emancipation of Dissent

from its old subjection to the Church, and the consequent conflict of religious parties, has only produced hostile rivalry and fanatical competition. Is Warburton right when he says that fanaticism and evangelical religion are the same? As we see them they are certainly very often united. The triumph with which these Irish measures have been carried in Parliament is a signal example of the advantage of not making the representative a mere echo of the feelings of the constituents.

12th June 1845. I went down to the station of the North British Railway yesterday, and took my last look of the few remaining fragments of Trinity Hospital, and of the trees which still mark "where once a garden smiled." There is one good ash, a large willow, an admirable elm, and two hawthorns. The elm stands on the north-west angle of the old Physic Gardens, and might be quite easily saved. The hawthorns were in their grave-clothes of beautiful flourish. I suppose they are all down now.

Another project for injuring Edinburgh has for the present (emphatically *for the present*) been disappointed. There is a foolish rage among some people to have the North Bridge widened, and as a subscription for this purpose gets on but heavily, an engineer comes forward with a scheme for not only dispensing with the subscription, but for completing the widening and

making money of it. This scheme was not merely to widen the foot-pavement 10 feet, but to widen each side above 30 feet by new arches, to leave the public 10 feet of additional room on each side, and on the remaining space *to erect two rows of shops*, the rents of which were to make it a good speculation for a joint stock company. A most abominable conception. The decisive fact was that it implied the shutting up of the most beautiful and singular of all town views. It prolonged the South Bridge to Princes Street. My civic ardour has not been so roused since the day of the abominable project of building on the south side of Princes Street. I was just about to explode in a pamphlet, when the Town-Council, after a fearful hesitation, rejected the plan; but they did so not because the plan was horrible, but only because they had taken subscriptions on the understanding that the views were to be preserved. One of the magistrates consoled me by assuring me that, upon trying, he found that the prospects would still be visible from the top of a coach, provided the person wishing to see stood up.

15th July 1845. Rutherfurd's bill for abolishing college tests was thrown out on the second reading by a majority of 116 against 108. He was not present; but his place was taken by Macaulay, who moved the second reading in a brilliant and unanswerable speech, in which he was powerfully supported by Lord John

Russell and others. Government had previously announced its intention to retract the virtual assent which it gave to the measure on its first introduction. The reason for this was that the General Assembly was against it! No inconsiderable reason in itself in favour of it. If toleration is to make no advance except such as the Church, whether Established or Free, approves of, it will make no advance whatever. No debate this session has done greater or more deserved damage to Government, independently of the paltriness of the majority; no quibbling could or ever can relieve ministers from the blame and ridicule of not only not abolishing college tests in Scotland, and of virtually encouraging their enforcement there after long disuse, but of doing this at the very moment that they are establishing these unrestricted new colleges in Ireland. Twenty-three Scotch members voted for the bill; eleven against it. Except the member for the Airdrie burghs, all the eleven are county members. The towns, the town-councils, the colleges, the public bodies, the people, are all nearly unanimous. The Church, the body least entitled to consideration, stands alone, and with her Government waltzes.

15th August 1845. The Poor-Law Commission made a report last autumn containing many facts, some views and recommendations, which our lairds thought too liberal, and our tribunes of the poor

abused as too stingy. The only Scotch measure of permanent improvement that has passed this session is a statute founded upon this report. I scarcely know a more striking instance of the velocity of modern change. Till very recently the Scotch poor system was the perfection of wisdom, both in its theory and in its practice. Whatever else might be blamed or speculated about, all men and all parties concurred in admiring our Poor-Law System, and they admired in particular the three grand principles; *first*, that the poor had no legal claim, but were entirely subject to the discretion of the heritors and kirk-sessions; *second*, that this discretion was subject to no control by appeal to any higher court; *third*, that the less that was given the better, provided only that the parochial authorities did their duty according to their own consciences. Dr. Alison startled people by questioning all this about three years ago, and now the whole system is extinguished in a single month by the Legislature. The old heritors and kirk-sessions *as such* are superseded. The claim of the poor for relief as a legal right is established. New local authorities are created, and the whole system is put under the control of Commissioners. It is a Poor-Law revolution; one of the many examples of the precariousness of everything that really deserves to be changed. Our Poor-Law, if it had not been administered with disgraceful shabbiness, was excellent.

The interjection of the Commissioners between the pauper and the Court of Session, which it is the most fashionable thing to abuse, seems to me to be one of the very best parts of the new scheme.

27th September 1845. On my West Circuit, just finished, I had an opportunity of seeing more thoroughly than before the interior of Stirling Castle, through the politeness of Sir Archibald Christie, the Deputy Governor, who showed and explained everything. His face had the rare honour of stopping a cannon shot, and the still rarer luck of surviving that feat. But the ball had its revenge. For the convexity of the one cheek, and the concavity of the other, with their effects on eyes, mouth, and nose, left as ghastly a countenance as was ever produced. Yet, such is the result of kindness and good manners, there are few more agreeable persons than this gentlemanly old soldier.

Except St. Andrews, I do not recollect any place of such exclusive historical interest as Stirling. They have both been Pompeii'd; saved by circumstances from being superseded or dissipated by modern change. It is the old stories alone that still linger in each. Stirling has its buildings and its walks, ennobled by its singular position, but still it is the old tales that adorn it. How disgraceful it is to the nation, and particularly to Government, that the scenes of its history

should be converted to such base uses! The place where the Parliament met, a barrack room! and every other sacred spot equally debased. I have been often and positively assured that about the beginning of the last war (1804) the Government of the day wished virtually to obliterate the castle altogether, by giving it up as a fortress, or as public property, and getting it all disposed of, by a statute if necessary! I have reason to believe that had it not been for a few of the neighbouring families, chiefly the Abercrombys, this would actually have been done, and that we should have had it all made into a manufactory. Anything is credible after the unquestionable fact that only three years ago Government gave up many of the historical fields and green mounds, including, I believe, the Tilting ground, to be ploughed by a farmer under a lease. This error was corrected no doubt, but even yet not entirely. The fearful fact however is, that such errors can be committed.

I also visited Kilchurn, a noble ruin, and grandly placed. There are far larger and more beautiful and interesting fragments of *religious* architecture in Scotland, but, except the castle at Rothesay, I do not recollect the ruins of any greater *castle*. This one has still enough of turret, and window, and ivy remaining to render it in perhaps as perfect a stage for preservation, as a ruin, as it ever has been or can be. But what destruction it is undergoing! There is little neigh-

bouring population, and therefore little of the usual Scotch sheer filth. But there is every other atrocity. Not one sixpence of money, and not one moment of care, has been bestowed on either of the two duties of protecting or of clearing. The whole rubbish has been allowed to accumulate exactly as it has fallen, and not one trowel of lime has ever been laid out to prevent the descent and accumulation of more. The consequences are, that the inside is almost inaccessible, and that time has made, and is making, innumerable preparations for undermining and throwing down more large and important masses. Whole walls seem to depend, in some places, on the crumbling of a small stone. It is scandalous, and to me utterly incomprehensible. It is one of several examples that make me despair that any of the hallowed architectural remains of Scotland, belonging not to the Crown but to private owners, will ever be kept in decent order. Something may be expected to be done by the Woods and Forests, as Elgin, Arbroath, and Dundrennan show. But I fear every private ruin is destined to disappear. Not a mite, not a thought, is given for the decency or the perpetuation of historical relics, the ownership of which does more honour to the possessors than their titles. It is not avarice, nor is it ignorance, at least not always. It proceeds from want of thought, which creates the habit of being reconciled to what ought to be felt shameful; till, at last, he who would give £500

for a hearthrug would be surprised at the idea of expending a shilling on arresting the decay of the thing he possesses which painting or poetry think most worthy of their notice.

I have seen, for the first time, the upper part of Loch Leven—not the Kinross-shire pool, for which strangers are apt to mistake it, but the loch which lies above Ballachulish in Argyleshire. We had a suitable, a perfect, day for passing down Glencoe—a calm dun day, but bright with occasional splendour; every ravine, crag, rill, and pinnacle clear, though the far distances were slightly veiled by mysterious gauzy vapour; and an irresistible feeling of pleased awe inspired by a silence so profound that it was broken by the hum of a bee. Sublime as are the savage summits that line the glen, we no sooner slide into the more open region of Loch Leven than we begin to doubt whether, after all, the beauty of the soft still water streaked by long gleams of trembling light, and bounded by the mountains of Appin, Morven, and Lochaber, be not preferable even to the Pass. My decision is in favour of whichever is before me.

Next morning we left Ballachulish for Kinloch-Leven, rowed by stout Celts, and steered by John Stuart, the Chancery barrister and brother of the laird of Ballachulish. On the whole it was a good day; no rain, plenty occasional sun, the summits mostly all clear, nothing wanting but that general

brilliancy which, besides intensity, gives variety of light. We were in ecstasies. Loch Leven is one of the scenes which nearly defy anticipation. It is narrow—seldom, if ever, a mile broad; deep and dark in its waters; lined, the whole way, by noble detached mountains, full of glorious corries, which, however, though the loch is set in them, have openings enough to disclose innumerable distant peaks, so as to make the traveller feel that it is not merely between two rows of hills that he is placed, but that he is embedded in an universally mountainous country. The upper regions are all black, rocky, and in general peaked; their sides worn into countless gullies and ravines, with water roaring and sparkling in them, though too many of them were dry then. The lower portions, on both sides, are profusely sprinkled with wood—chiefly ash, alder, oak, and birch, and greened all over with bright grass. Nothing could be more absolutely perfect than the contrasts of the blue water, the rich natural foliage, and the black rock.

And the solitude! After leaving the slate quarries, and Sir Duncan Cameron's house of Callart on the opposite side, there is an end of man and his works. I only observed one little Highland farm after this, on the south side, and, I think, there was not even one on the north. No road on either side, scarcely footing for a native pony—a soul-refreshing peculiarity in this iron age of railways. The loch is the only

practicable access to Kinloch-Leven. Promontories narrow the loch at two places, like necks; giving at each the variety of an apparently new lake, with somewhat new scenes. I observed only three very small islands—two at the lower end, and one at the upper. They are flat and green, and attract only by their history. One of the lower ones contains the ashes of the massacred in 1692; the other is said to have been sacred once to nuns. There is a fragment of wall upon it, and a solitary tree. Except this doubtful bit of wall, there is nothing to testify that man has ever had possession of this loch. At first, I thought a ruin would have graced it; but this was a mistake. It is better that there is nothing to disclose that its recesses have ever been occupied.

Nothing seems so ineradicable as the recollection of injustice. The isle of St. Mungo is pointed out, after the lapse of 153 years, with nearly as much interest as it was soon after the strange massacre it recalls. I did not know till now that the knoll beside the inn at Ballachulish was what the sentence calls "*The conspicuous eminence* upon the south side of, and near to, the said ferry" on which James Stewart was executed on the 8th of November 1752. I happened to put my foot into a hole, and was told it was the hole in which the main beam of the gibbet was erected, and that it is religiously kept open to mark the spot. Why should the people desire to preserve such a spot?

Certainly not on account of the man; nor on account of his believed and now almost certain innocence, in which respect his fate, though very rare, is not absolutely singular. It is because he was unfairly tried. An Argyle and a jury of Campbells, very faintly admonished by Elchies, and rather encouraged by Kilkerran, sacrificed him because he did not belong to their clan. Had his name been Campbell he would not have been even accused. And had he been fairly tried his innocence would not have perpetuated the memory of his story. He owes his local immortality to the misconduct of his judges.

1st November 1845. The season is done, and we Judges must to our flowery work again. No season could be less worth prolonging. There have been worse, I suppose, since I came into the world, but none that I have any living remembrance of. The obstinate permanence of east wind has made Edinburgh and its vicinity worse off than more western regions. I keep no register, and do not know what registers record; but, judging merely from one's own observation, I doubt if we here have had three *entirely* fair days *together* since the middle of April, or fifteen entirely fair days *in all* during these six and a-half months. We have been living in a cloud shower-bath. The effects of this on crops I need not speak of, because this, especially as connected with diseased pota-

toes, is in everybody's mouth. But what an odds it makes on life. The Corn-Law is plainly ringing in. Cobden and the League have done much against it, but *Aquarius* more.

13th November 1845. A good specimen of Brougham. He is the author of the article on Lady Hester Stanhope in No. 152 (vol. lxxvi) of the "Quarterly Review," this being the Review to which he has taken since his quarrel with the "Edinburgh," because it would not be his slave. He there abuses Romilly's sons for not publishing Sir Samuel's papers upon law. Now, first, these papers were put by Sir Samuel under the charge of Brougham, and of either Dumont or Whishaw (I forget which), and the sons had no power of either publishing or not publishing. Second, they wanted these speculations published, but Brougham prevented, and prevents, it. He, the most offensive of all scoffers, blames his old friend for Christian unbelief, because forsooth there is found in his diary an eloquent but Deistical prayer! And he (Brougham) joins Croker in his abominable article in the "Quarterly" on Romilly's memoirs, by asserting that Sir Samuel was not merely bereft of reason while in his fatal fever, but had been mad all along. "The son's morbid state of mind must have been hereditary" (page 441). Few of the things Brougham has lately done have made a deeper impression than this among

those who know the facts. His protest against the perfidy of publishing private papers is quite just, and from anybody else it would be honest; but from him it proceeds solely from his consciousness that no one having reason to dread exposure has illustrated himself by such a long and capricious course of iniquitous private effusion. It is an appeal to posterity against himself.

28th November 1845. Britain is at present an island of lunatics, all railway mad. The patients are raving even in the wildest recesses of the Highlands. The ultimate miracles of railways are obvious. We are not now thinking of such places as London and Edinburgh, or even of Europe. Imagination speculates on America, Asia, and even Africa. It hears the bell of a station at Pekin or Timbuctoo, and sees the smoke of the engine trailing along the valleys of the Rocky Mountains. Distance is diminished twenty-fold. The world is not half the size it was a few years ago. The globe is in the course of being inhabited as one city or shire, everything known to and everything touching everybody. The consequences of the whole human family thus feeling in each thread and living along the line cannot yet be foreseen fully, but there is no reason to doubt that on the whole the result must be good. It will give force to public reason, and thus give great advantages to civilisation over barbarism, and to truth over error.

But in *arranged* countries the change has intolerable present evils—at least in Britain, where the plethora of capital drives the new system on with regardless violence, and where self-interest combines all railway speculators into one corporation, which, with its bursting purse, defies resistance, and respects no feelings but its own. Even juries, our former shields, have been obliged to be superseded as the guardians of private interests, because it is found impossible to get fair ones; and Parliament itself, though it unguardedly conceded to injured parties the right of having their compensation adjusted by arbitrators, is itself to an alarming degree a company of railway owners. The outrages of these speculators are frightful. Their principle is, that nothing must obstruct their dividends, which is expressed technically by saying that "the public must be accommodated." This being fixed, all that remains is to ascertain where a line of iron can be laid down horizontally. If the country were a desert, and nothing were to be considered but percentages and engineering, this might be all that required to be thought of; but in a *made-up* country it is the last thing that ought to be regarded. Taste seeks seclusion, and comfort seeks shelter, which implies no great elevation; but railways seek these too. The margin of a loch, the course of a stream, a gentle valley, a wooded plain—these are the railway pastures, for they imply flatness or a gradual rise; and therefore

the long domestic happiness or care that may have been enjoyed or lavished upon them are scornfully disregarded. A human bird's-nest, a revered ruin, a noble castle, a poetical stream, a glorious wood, a dialled and urned bowling-green, the cottage where Burns was born, or the abbey where Scott lies buried, all the haunts of long-confiding affection, all the scenes over which taste and genius have lingered, all connected with localities that the heart cares for—what are these to a railway? Must not the public be accommodated? On this phrase the most brutal inroads are making every day, and in the most brutal spirit, on the most sacred haunts.

And the gamblers fancy that everything is compensated out of their fraudulent gambling purse. So it is sometimes. Chiefly when they deal with our poor lairds, who are often so insolvent that to have their places ruined for a few present pounds serves them for the hour. But where a respectable gentleman, a happy family, a widow contented with a comfortable though homely scene of a whole life's enjoyment, do not want their money, how are they treated? Trodden down, threatened with worse lines if they murmur, and defied to bear the expense of parliamentary resistance. The notion of these modern Huns is that everything (a very natural sentiment for them), even amenity, and the disturbance of old habits, can be valued in money. They have no idea that, inde-

pendently of the loss of property, it is a heavier punishment than the Courts often inflict to be simply driven from Paradise. That helpless individuals should be sacrificed to Juggernaut is not so wonderful; but the apathy, or, which is more common, the treachery, of public guardians is scandalous. Public beauty, recreation, or reverence seem to be absolutely abandoned. In addition to our Princes Street Gardens, the South Inch of Perth, and the College of Glasgow are almost under sentence. That beautiful piece of verdure, the South Inch, was defended by all people who had no shares; but its destruction was worked by those who had, led on by the Town-Council, the city member, and commissioners from the Board of Trade. In Glasgow the voices of the few men of sense, who are in horror, are drowned by the howls of the selfish mob that is impatient for the sacrifice. The professors expect to gain chiefly by getting better houses, and even they are insensible to the value of age to an academic retreat. No one who lives in this iron age supposes that the Crown will interfere, or that Parliament will object. Yet it is one of the most academical edifices in Scotland, and all the better for being in the heart of a crowded population. This deepens its contrast. The very silence of either of the two quadrangles, when a person (with a soul) turns into them from the roaring street, inspires thought and study. The hall, with its massive, wide marble

hearthstone and excellent proportions, is one of the best apartments in Scotland. The libraries and class-rooms, though not so bright and over-grand as the new ones will be, are perfectly convenient, and have heard many a great professor instructing many a noble youth. And then—the outer stairs, the carved windows, the respectable monastic-looking houses, Zachary Boyd's head, the various bits of architectural ornament—these, neither their own picturesque beauty, nor three centuries with all their associations and solemn charms, will save for one hour. There is a grey stone image, something like a leopard, perched on one of the pillars of the great outer stair leading up to the hall. It has sat with its fore-legs up and its pleased countenance, smiling graciously on many generations of teachers, and students, and strangers. The head of this single creature is more worth preserving and consulting than the heads of all the living professors.

6th December 1845. On Tuesday last there was a strong public meeting in the Music Hall here to promote the abolition of the Corn Laws. The Lord Provost (Adam Black), the very best of the Provost species, was in the chair. Macaulay came from London for that single day, and made, as usual, an excellent speech; so did Rutherfurd. The rambling off-hand spirit and jocularity of Admiral Sir Charles Napier,

once a High School boy, tossed a little seasoning and variety over the uniformity that naturally prevails in assemblages of the same place. Such meetings are now "hurling defiance" at the bread tax everywhere. The cry is up, because it is thought the prey is nearly run down; and I suspect it is true that the Corn Law has not another year, if indeed it has another quarter, to live.

Its death will be another instance of the influence of almost pure force on the progress of this country, in so far as this progress depends on Government. The man in the moon, looking at Britain, might naturally enough suppose that our rulers would honestly endeavour merely to find out, and then to do, what is best. But if he would come down and live among us, he would see that, instead of this, our Government seems rather to have abjured its own reason for the greater part of the last sixty years, and to have carried on a constant war against the reason of the people. The people, if they be right, are sure to be victorious at last; but unfortunately things are so managed that it is never their being right that is allowed to prevail. Expressing sound opinions will not do. They must roar. And the right measure is conceded at last not to sense or justice, but to clamour. This has been the actual history of all the great internal questions that have arisen in my time. None of them have been inventions of the day. They have all had their rise in

an older soil, and the fruit that each has yielded in its season has been the result of long elaboration. Yet, though thus prepared, that fruit has always been "harshly plucked."

The first public measure that I remember being attracted by was the abolition of the slave trade, with which the country rang from about 1790 to 1807. It then rang, from 1807 to 1828, with Catholic Emancipation. In 1816, or at least soon after the close of the revolutionary war, when the fear of invasion ceased to be the apology for all public waste, the question arose, which it now seems so odd to state, and which was preliminary to the consideration of every reform, whether the revenue should be managed with as much or with as little economy as possible, and it took at least fifteen years to make Government feel that extravagance had become inconvenient. I do not remember the time in which the friends of toleration were not murmuring at the Test Acts, which were at last repealed in 1828. Next, all the Catholic disabilities, which had kept Britain hot and Ireland inflamed for many years, were removed. Then, in 1832, came the Reform Bill, the bursting of a volcano that had been smouldering for half-a-century. Both in duration and in character, and only not quite in intensity, municipal reform was its shadow. And now comes freedom of trade, and especially of the food trade, a more modern matter, but still about twenty-five years old. These

are the seven measures that have shaken this island since I could observe. *In themselves* they have all been so clear that it has not been with honest doubt that they have had to struggle, but with interest and faction. The changes in which they have terminated have all been at last approved of by the leaders who at first opposed them. Now that they are settled, the common sentiment among the few who obstructed their progress from sincere alarm is that of surprise at their fear.

Yet every one of those measures has been, or will be, carried by clamour. Reason soon decided Emancipation, a simple question of morality; and it has settled the Corn Law, a question of pure political economy. But had it not been for popular excitement the slave trade would have been flourishing now, and the landowners would continue to tax the public for their rents for ever. It reminds me of Lord Kames and his mathematical master. The master got into a mathematical dispute with a rival, in which he was by demonstration right, but in order to aid the exact science, Kames interlarded one of his friend's papers with jocularity and personal abuse; and this did what demonstration could not effect. If the object be to produce a republic, this practice of never yielding except to popular force is a very wise course. But if it be useful for monarchy that the people should be led, instead of driving, it is a very foolish course. One of

the worst facts in our present state is, the habitual conviction that even truth will never prevail without alarm; but that the aristocracy and the Crown, and even the Church, will all bend at last before noise. For above fifty years Toryism has made a series of what ought to have been triumphs of ministerial reason, triumphs of popular menace. A hundred years will not obliterate the lesson taught the people in 1829, when Government espoused that very measure of Emancipation which, even in the very act of urging it forward, it declared that it disapproved of; and this avowedly from terror. Political truth, when attempted to be reduced to practice, will always be debased by coarse conflicts with ignorance and selfishness. But the British Government is not entitled to be selfish or ignorant. It ought to be to the kingdom what conscience is to an individual.

CHAPTER XIII.

1845-1847.

21ST DECEMBER 1845. Dining yesterday at Macvey Napier's, I heard three things curious. 1st, That an Edinburgh auctioneer (Charles Tait) had given £190 for a fiddle, for his own fiddling. 2d, That a congregation, neither Catholic nor Episcopalian, but worshipping according to the forms of the Church of Scotland, had given £200 for an organ, to be set up and used in an Edinburgh meeting-house. The people who have sense and spirit to do this are a congregation of Independents who assemble near the College, and are presided over by Mr. Alexander, an able, excellent, and eloquent man—no inconsiderable fact in the progress of Scotland. 3d, That the Right Reverend Father in God, Dr. John Lee, Principal of the College of Edinburgh, after succeeding in getting University Tests continued last session, is now objecting to let a marble statue, by Flaxman, of Burns be placed in our College Library, because Burns *had not a college education!* Poor Shakespeare! The late Dr. Ritchie, afterwards Professor of Divinity in Edinburgh, spent nearly ten

years, in vain, trying to get a good organ, that somebody had given him for the purpose, into his church in Glasgow. He first, after some resistance, got it put up near the outer door, where it stood, dumb, for several years; then, on the pretence that it was spoiling, he, but with greater resistance, got it advanced into an aisle, where it remained, scowled at, for a few years more. At last, the occasion of making some repair on the interior of the church was taken advantage of, and when the congregation reassembled they saw something fixed on the inner wall, but carefully veiled. It was soon discovered to be the abominable thing. The blood of Presbytery rose. The doctor stood firm. The *law* was only against *playing* the organ, which he had never done. Ay, but the horror was of the organ, because it *may* be played, and because it once *was* played. Its very presence reminds us of the Scarlet Woman, the Boot, and Tam Dalzell. So it came to the General Assembly, where I heard it discussed, many a year ago. The result was, that for the ease of tender consciences the instrument was marched out.

31st December 1845. I closed the last daylight of this year amidst the ruins of the old place of Dean, once one of the best mansion-houses near Edinburgh.

Hereafter, people will know the ground solely by its being the Dean Cemetery. Until this autumn

there stood, about the centre of it, a large, venerable, old mansion-house, the seat of the now extinct family of Nisbet of Dean, a family long of great local influence. The place was so heavy with wood that it was all that winter could do to make the house visible. There was an old garden, and a good deal of shrubbery, chiefly of evergreens. In the days when there was no distillery near, and when the Dean, which has always had a peculiar population of its own, quite distinct from that both of Edinburgh and of the country, was a tiny village, and what is now the New Town was all open fields, so that except Lord Moray's villa of Drumsheugh there was nothing but rusticity between the mansion and the Castle, this must have been one of the best gentlemen's residences in the immediate neighbourhood of Edinburgh. A high position, well-sheltered, the Water of Leith then pure, foliaged banks, and magnificent views — what else could be required?

How the savages were smashing the wood to-day, as if for mere pleasure! I thought that venerable trees and undying evergreens were exactly what a burial-ground would long for. But here they are in perfection; plenty hollies and yews, apparently a century old; and how did I see these treated? As a drove of hogs would treat a bed of hyacinths. Not a planner there seems to be in Scotland who has any other idea but that whatever piece of ground he is

entrusted to make the most of, must first be reduced to absolute flatness and barrenness. If one of those fellows had been required to build a house for Adam in Paradise, he would have begun by making the garden as level and as raw as a new fir table. There are still trees in the Dean, under the shade of which many a mourner might think; evergreens that might have marked and softened many an honoured grave. I shall be surprised if a single one shall have a leaf to taste the coming spring. I knew this place well in the days of Lord Swinton and his family, who lived there long.

Aberdeenshire is by far the best old castled county in Scotland. There never were many castles or great mansion-houses very near Edinburgh, or perhaps very near any large town. There could not be much chieftain war near the seat of Government, and therefore strongholds were unnecessary for enabling one barbarian to pillage another. Those who wished for protection were surer of it within the city wall than behind any walls that they could build for themselves. And those who wanted to defy the national authority would not come within the reach of its arm. I fancy that these are the causes; but, at any rate, the fact is, that all the old places in our close vicinity were moderate in size and strength, and plainly destined for peaceful habitation. But within a range of about four

miles, Edinburgh was graced on every side, except the east, which I suppose was too much exposed to attack from the sea, with interesting private residences. Of those that I myself remember, Craigmillar alone remains as I have ever known it, and Royston as I have now known it long—ruins. Wright's Houses, the original house of Muirhouse, and at last the Dean, have all been obliterated. Some of them, still inhabited, it is a pleasure to think of.

Merchiston Castle has been greatly injured by a recent and most discordant front; and the squalid grounds have long been explaining that they are owned by a poor peer. But the ancient portion of the building is massive and picturesque; it stands loftily; but, in spite of its prospects and its sieges, owes its living interest to its having been the residence of the inventor of logarithms.

Bruntsfield House, heavy and solemn, has been improved by the present owner, Sir George Warrender, in excellent taste; the grounds, as anciently laid out, have been preserved, and every tree and evergreen held sacred. A gloomy, but comfortable and dignified place.

Fifteen years ago *Grange* was a tall grey keep, with an old garden, on different levels, joined by balustraded stairs, all in bad order. It is now an excellent house, with the garden preserved but greatly improved. The old approach, which was from the

north, and nearly inaccessible, has been given up for the present striking one from the west; and the place is rich (perhaps rather too rich) in evergreens, statues, vases, stairs, balustrades, terraces, and a delightful bowling-green. No time-honoured mansion was ever touched by a more truly antique hand. If Principal Robertson, who died there in 1793, were to revisit it, he would see a change, but would at once know the old place.

Caroline Park, where my father's family lived for about thirty-five years, must formerly have been perhaps the finest place of the kind near Edinburgh. It was the only one that, both in its building and its pleasure-grounds, and its hundred-acred park, had an obvious air of stately nobility. My father did it no good. He was agricultural, and sacrificed all he could to the farm. His friend and landlord, the Duke of Buccleuch, did not prevent him from removing several very architectural walls, a beautiful bowling-green, a great deal of good shrubbery, and an outer gravelled court at the north front, bounded by the house on the south, two low ornamented walls on the east and west, and by a tall curiously-wrought iron gate, flanked by two towers, on the north. Even when we went there it stood dark in wood, quiet, and alone. The sea and the sea-rocks were its own. Except Lauriston Tower and the old and admirable gardened house of Muirhouse, there was not then (about 1796 or 1797) a

single house between us and Cramond on the west; nothing till we reached Wardie on the east; and, except a smithy and the few humble dwellings that then composed the village of Stockbridge, nothing between us and Edinburgh on the south. From Wardie to Cramond was all open fields, fringed on the seashore with whins. Except along Caroline Park and the bank of wood at Muirhouse, not two miles in all were fenced by walls. The now ruined castle of Royston had still its roof, and several floors and windows, and was inhabited by our gardener. The abominations of Granton Pier, with its tram-roads, brickwork, and quarry, had not then been conceived. Winter made little impression on a spot rich in evergreens; the long over-arched alleys were not broken in upon. Every gate had its urns, every bit of wall was dignified by its architectural decoration. The "sea-gate," a composition of strong iron filagree, was the grandest gate in Scotland. The very flowers knew their Goshen, and under my mother's care grew as they grew nowhere else.

Lauriston, since I knew it, was a bare solitary keep, fenced from the farmers' cattle by a crumbling Galloway dyke, with scarcely a single comrade tree, and staring on the Firth as if it had been looking out for the re-appearance of the South Sea schemer who was once its master. A recent owner (Mr. Robert Allan) made a great addition, and, if he had not been

scolded out of his intention, would have removed the old tower; but he planted some trees and cherished evergreens. Three or four years ago it was bought by my friend Rutherfurd, who has made it a luxurious and splendid residence. In situation it could scarcely be surpassed on the east coast.

Then *Craigcrook!* morally the Paradise of Edinburgh villas. In 1816 the house was not unlike its neighbour Lauriston—a keep, though not so bare. It then became the residence of Jeffrey who, aided by Playfair, has made it what it is. It has been enlarged truly in the old spirit. The domestic scenery of the outside is Jeffrey's own creation. Nothing could be more perfect. He has had the sense to venerate old walls and gorgeous ivy, and to resist doing or keeping more than what can easily be done and kept well. So old, yet so comfortable; so picturesque and so sensible; so beautifully small within the garden, but with such rich soft over-turf outside. What a wood-grown hill; the absence of prospects from the low grounds compensated by such views, unrivalled even near Edinburgh, from the higher. These will ever be its charms to strangers; but to us it is Jeffrey that we see in Craigcrook. It is here that for thirty years he has enjoyed and diffused the finest pleasures of the head and of the heart. It is he that the very word Craigcrook will long recall. Who that has known the place in his time can ever think of it without hearing the

sound of that sweet and lively voice, without feeling admiration of his genius, lost under the impression of his goodness. There is no spot near Edinburgh so hallowed by living talent and worth. .

The only other curious old-style gardens that I recollect in Mid-Lothian are those of Ravelston, Woodhall, Malleny, and Hatton. They are all sadly injured now. Except Hatton, they were all small, and all of the same character—evergreen bushes, terraces, and carved stones. There still stands in the garden of Woodhall a dial with an inscription bearing it to have been "made by John Justice, and gifted to Woodhall, anno 1717." Old Henry Mackenzie told me that the donor was of the now extinguished family of Justice-hall in Lammermuir, and that he published perhaps the very first book in Scotland on ornamental gardening, and was a great reformer of Scotch gardens, a line into which he had probably been led by a long residence in Holland. The Hatton domestic grounds must have been magnificent once. Enough remains to show the greatness and beauty of the original design; but the fine gold has become dim. Colinton too, formerly belonging to the Foulis', now to Lord Dunfermline, is not what it once was, but its evergreen hedges are noble, and there are few better cedars in this country.

I have at last satisfied my long upbraiding conscience by discharging a public shot at the "Native

Vigour" of the Court of Justiciary. I had sneered at it before ("Edinburgh Review," No. 78, art. 5, and No. 82, art. 8); but I have now fully discussed it. The 7th article of No. 167 of the "Review," which has just appeared, is by me. My criminal brethren will gloom at me. David Hume is their idol, the *native vigour* their right arm; yet in truth they ought to thank me for my stern mercies. Lord Campbell, with whom I have been in communication, says he has at present resolved to bring the matter before Parliament.

I am at least in good company in this number. The first article, about Privilege, is by Lord Chief-Justice Denman; the last, about Lords Grey and Spencer, by Lord John Russell. Lord John, living in Edinburgh, was preparing to revise his paper at the very moment he was called to London by the Queen, and had very nearly constructed a Whig administration, of which he was to be at the head. Considering the position of the privilege question, which seems never to be out of Parliament or the Court of Queen's Bench, the prudence of the Lord Chief-Justice writing such a review is surely questionable.

12th March 1846. On returning yesterday to my corner of earth (Bonaly) I see striking marks of the mildness of this strange winter. I trust that somebody has preserved the facts. We have not had above a film of snow, and that I think only once; and

scarcely a film of ice. Our shortest day was probably warmer than our last longest one; and, on the whole, I doubt if we have had many Marchs, Aprils, Mays, and Junes more temperate than our late months of November, December, January, and February. Indeed, the shortest and the truest account that I can give of these four last months is by saying that they were a correct anticipation, with some improvement, of the four months by which they are to be succeeded. There has been a good deal of wind; twice or thrice a tempest; and once a hurricane. Very little rain. But it is the mildness that has surprised us. The contractor for building Donaldson's Hospital tells me that his masons were stopped nearly four months during the winters of 1844 and 1845, and not one hour during the winter now closing. All spring flowers were in bloom in January and early in February. I saw in a little garden near Newington, about the 25th of February, not only wallflowers, dogtooth violets, hepaticas, primroses, and crocuses, but china and other spring roses in the open air, and with no protection or encouragement except a southern wall. My snowdrops, which used to begin to think of venturing out about this time, are all long ago over. The ribes has been in full blossom for a month, and the hedges are as green as they usually are in the end of April. Except that there has been no skating, it has been very pleasant. But the upshot of it is a

different matter. I, who always expect our full average doze, predict snow in June.

7th April 1846. Our winter has not waited for June. We have been blasted by prematurity already. On the 17th of March a frost of the bitterest character reminded us that we had not escaped. By the accurately kept register of Sir Thomas Brisbane, the President of our Royal Society, at Makerstoun in Roxburghshire, the cold was about *six* of Fahrenheit; and by that of Adie, optician, it was at 17° at Edinburgh. It only lasted one day, but its effect on vegetation was made the worse from there having been a little snow; which, instead of being left to operate as flannel, was just so far melted by the meridian sun as to be reduced to pulp, which the next night congealed over the young leaves. The result has been fatal for exposed fruit, for many shrubs, and for almost all formed early flowers. My poor gorgeous ribeses! They are shivering in leafless nakedness; and the doubt is whether they will ever revive. Some of our hyacinths, instead of keeping under the ground for another month, had raised their heads and put on their head-dresses. It is needless to say what has become of them.

21st May 1846. Another statute,* which makes

* 9 Vic., c. 17.

me doubt if I be in old Scotland, has just passed. When I was young the principle that the exclusive privileges of corporations—that is, the right of each corporation to prevent those who were not members from exercising the craft within the corporation sphere, was held absolutely necessary for the public, and was almost an axiom. Nobody required to prove it, and the few who, like Adam Smith, pretended to doubt it, were set down as speculative dreamers. Indeed, they were at one time considered as Jacobins. What else but "*a reckless passion for innovation*," and a desire to destroy "*our venerable institutions*," could make any sane man question the still existing utility of privileges which were introduced at first from their indispensable necessity. Hence these privileges were rigidly enforced, as our law-reports show. Their being declared by statute to be inoperative against old sailors and soldiers was considered by the legislature as a sufficient compensation for all the hardships of the naval and military services. After the modern burst of mechanical improvement commenced, sensible men began to doubt whether these local monopolies were so necessary for the protection of the public against bad work as was fancied. But still it required a speculative mind to admit such a conception; and the philosophical problem was so exposed to the charge of innovation, and was so involved with the interests of the corporations, which stoutly maintained and

preached up the policy of their rights, that, until within these two or three years, a belief in the utility of these privileges continued a part of the public creed. Judges, in deciding cases of encroachment, lauded them; governments were deaf to every argument against them; and clergymen, preaching corporation sermons, ascribed their existence to the favour of providence.

Well, two or three years ago one or two humble individuals began to move against this monopoly in the convention of royal burghs. This stirred the waters. After the slightest discussion I have ever known touching any old folly, almost every corporation confessed that, saving their funds and the right of admitting or rejecting members, the mere privilege of exclusively supplying the public was absurd; and the result is that, after no discussion in Parliament at all, this grand feudal monopoly is knocked on the head! And this by means of a Tory Lord-Advocate and a Tory Government—*as Tories are*. If this be wise, what a quantity of nonsense I have heard from high places!

26th May 1846. Robert Forsyth, advocate, died some time ago. Somebody, plainly with the assistance of his family, has lately put forth a memoir of his life, wherein the public, greatly to the public's surprise, is told that he was a pious and eloquent man. If he

was, certainly no modesty was ever more successful in hiding its lights under a bushel. His memoir not only tells what he was not, but it does not tell what he was. But as a counsel, an author, and a politician he was long remarkable. He was a large, big-boned fellow; with an equivocal turn of one eye—amounting almost to a squint—and slow and calm in all his movements. In appearance he might have passed for a retired blacksmith. With a strong understanding, he had no taste, and, except in intellectual speculation, no fancy. But he was an odd, independent thinker, with a capacity and a practice of labour which the most powerful steam-engine might have envied. His rise was from the very earth. The pulpit, that pinnacle of glory in the eyes of poor Scotch parents for their studious boys, was his first destiny; and he was licensed, and preached. But that plainly was not his line. Its restraints were not agreeable either to his youthful habits or to his turn for self-thinking. I have heard him say that he never became steady and decorous till he was fixed in the law. "I never once proposed 'good afternoon' so long as I was in the church." He once gave me a striking account of his state when a rival (James Grant) was preferred for the vacant parish of Liberton, and he became aware he had no more time to lose, and that there was no hope among patrons for one who had been a member of the Society of Friends of the People. He went

forth in the morning, gloomy but not in despair, and determined to walk till he had decided on a new vocation. His choice lay between medicine, the law, authorship, and the army. His inclination was for the red coat, because he liked adventure and foreign scenes; though the drill must have had a good deal to do before it could have made Robin Forsyth a presentable soldier. However, after trudging on doggedly for many a weary mile, he resolved upon the bar, and from that moment never hesitated. Returning to his humble room, his ecclesiastical ideas, comrades, and wildness were all cast off, and he became a new man.

The Faculty of Advocates, which was then a highly aristocratic body, and used to curl up its birse at every plebeian who tried to enter, objected to his admission, on the pretended ground that he was a clergyman; but the real ground was that, besides not being of high origin, he was a Whig. This illiberality was baffled by his resigning his licence. Then began an unbroken course of toil, as dull as intellectual toil can ever be. The hard brain and iron nerves of this man were commodities much more in demand then than now. No modern can comprehend the lives of the well-employed "*writing counsel*" of the last generation. When every statement, every argument, every application, every motion was made in writing, and every party was always entitled to

give in a written answer; eight out of every twelve hours of the lives of these men were spent over ink-stands. What tons of discussion!—especially as no case in those days was ever done. Everything could be stated and re-stated till the client was fairly bankrupt or dead. There was always one excellent stock paper on each side, composed or revised by the best hand engaged. These productions are most honourable to our bar. It is there that its ability and learning are preserved. No country can exhibit more curious or valuable mines of legal matter. Buried, to be sure, under mountains of rubbish; but, when got at and understood, of pure and rich ore. Many a good kernel sleeps in these husks. It was to this practice of good professional composition that the literature which has ever distinguished the law of Scotland was very much owing. Indeed, it has been thought that our old practice made better lawyers than can ever be made by oral discussion. When well done, writing seems to have the advantage of inducing greater care. Men don't boggle at speaking nonsense which they would hesitate to put permanently down upon paper. But spoken words are shorter, and the Judges cannot escape from hearing them. Their direct living effect is seen at the moment. But, under the domestic evening struggle between slumber and duty, nobody can tell what is really read. Besides, under a general system of

written proceedings, the great majority of papers must be mere reconstructions and repetitions, got up, for delay or confusion, by secondary artists, working under a feeble sense of duty or of fame, and with no thought even of such control as a question or a look can impose upon a foolish or tedious orator. These small-shot often required and displayed considerable talent; but they were let off upon inferior occasions and for inferior ends. It is the great guns, crammed with the finest matter, directed by the best eye, discharged at the enemy's very citadel, and booming throughout the whole battle, that we have reason to be permanently proud of. All our former great men are in these great paper-shots.

But though generals direct campaigns, it is the subalterns who do the rough work. The system required scores of intelligent men, whose days were passed in the laborious obscurity of compounding manuscript debate. All young barristers began in this way; their nest-egg was laid in their first good paper. To be distinguished as a speaker was the universal ambition; but many an able man never rose above the writing sphere. Dreadful lives did these clerk-killers lead! What were the labours of Hercules to theirs? Forsyth was a type of them. For at least thirty years he dictated, or made up, one quarto volume every day. The almanack of his life had not one holiday in it. Saturday and Sunday,

session and vacation, brought no play to him, or his slave. What with composition, quotation, repetition of himself, and of others without quoting, and the other arts of the session-paper manufactory, one clerk, and often two—thin, wiry, black creatures, with sleepless eyes and elastic fingers, could be kept going for sixteen hours out of every twenty-four. And this was besides attending the court, early and late, giving some opinions, consulting, attending proofs, etc. Had it not been for the professional excitement and the fees, it was an existence compared to which that passed on the tread-mill would have been luxurious. Yet I doubt if the mere writing department could bring above £1000 a-year, even to him who had the most of it. But it led to much more, because the paper-stainer could not be confined to that operation alone. He gleaned some of the fruit that dropped from every branch into which the cause sprouted. The diminution of writing in 1825 has produced one of the main changes by which our bar has been affected. It has cut off, at least, one-half (I should suppose) of the proceedings; and, as much more business can be done by the tongue than by the pen, it has thrown the practice far more into the hands of a few leaders. No new Forsyth can ever exist. Yet even this was too little for his hundred-man power. He employed the few and precarious pauses which others gave to Bacchus, to Morpheus, or to Momus, in the creation of books. Of these, so far as

I recollect, the "Elements of Moral Science" is the only one consisting of original composition. All the rest were compilations. He troubled himself by no difficulties about subjects. With a good commodity of general knowledge, a strong head, muscles of cable, and a keen determination to achieve independence, all subjects were alike to him. He could, and if convenient he would, have written the whole "Encyclopædia Britannica," at a guinea a sheet, in a couple of years. Without knowing anything of chemistry beyond what a lad meant for the Church might have picked up at one course of lectures, or anything more of agriculture than what a country-bred boy might learn by walking along roadsides, he supplied treatises on both these subjects to booksellers. No man could be more of a fixture. His travels were in his own room, under a worsted cowl, and from his room to the court and back. He was often on Glasgow on business, and once, I know, at Perth; but I doubt if he ever saw much more of his native country. Yet, sitting by his fireside, he produced five very passable octavo volumes, entitled "The Beauties of Scotland, containing a clear and full account of the agriculture, commerce, mines, and manufactures; of the population, cities, towns, villages, etc. of each county." Surgery, astronomy, or shipbuilding, would have been equally welcome. Jeffrey, who reviewed the "Elements of Moral Science" ("Edinburgh Review," No. 14, article 7), gives a very good

description of the author, by saying that his peculiar merit consists "in a kind of homely sagacity and coarse good sense, impaired, however, by an ungraceful tone of irreverence towards other philosophers, and somewhat too much of a cold and unfeeling dogmatism."

25th July 1846.—The Whigs are back again. The Scotch *dramatis personæ* are the same as they were in 1841. Duncan M'Neill has been a good Lord-Advocate. It is a great deal in these all-seeing and all-speaking times for any public officer to be in place five years without ever being in a scrape.

William Gibson-Craig and Macaulay, our city members, having both taken office, had to be re-elected last week. There was no difficulty as to Craig, who was liked, an answerer of letters and a gracious receiver of deputations; an excellent man, and an active and judicious member. Yet I doubt if even these merits would have saved him a contest had they not been aided by terror and reverence for his old father. Macaulay was opposed on the pretence that he had voted for the grant to Maynooth; but this was nonsense, because Craig had been guilty of the same piece of Popery. The truth is, that Macaulay, with all his admitted knowledge, talent, eloquence, and worth, is not popular. He cares more for his history than for the jobs of his constituents, and

answers letters irregularly, and with a brevity deemed contemptuous; and above all other defects, he suffers severely from the vice of over-talking, and consequently of under-listening. A deputation goes to London to enlighten their representative. They are full of their own matter, and their chairman has a statement bottled and ripe, which he is anxious to draw and decant; but instead of being listened to they no sooner enter the audience-chamber than they find themselves all superseded by the restless ability of their eloquent member, who, besides mistaking speaking for hearing, has the indelicate candour not even to profess being struck by the importance of the affair. It was this, and not Maynooth, that gave Macaulay trouble.

His opponent was Sir Culling Eardley Smith, an Englishman, and not a bad popular talker. He has no natural connection with this place or country, and his being invited to come forward shows the strange way in which all parties are at present jumbled. Formerly a Tory, he is now much more of a Radical than of a Whig. Strictly religious, he is in favour of travelling on Sunday. As a Voluntary, he bemoans that the State and the Church were ever married; yet, since the union has taken place, he will do nothing to divorce them. He is for universal suffrage, because he finds it in the Bible; but, as we have not got it, he is against any active measures to acquire it. He was beaten by above two to one; but how did such a man

get the one? By two things, which have made this election permanently remarkable—the Evangelical and the Voluntary principles.

Nothing is more common or proper than for people to prefer candidates of their own ways of thinking on politics; but, except in such cases as those of the Irish Catholics, the English Puritans, and the Scotch Covenanters, where religion meant liberty, religion and secular politics have, in modern times, been scarcely visibly connected in the conditions of political party; but the great rise and the profound folly of many of those who choose to describe themselves as exclusively Evangelical, have made them fancy it is their duty, and in their power, to introduce their peculiar views into the secular business of the State; and that, in order to hasten this millennium, all that is requisite is that they should get the House of Commons stuffed with people like themselves. According to them, this wisdom is all that is required for statesmen, and without this all other wisdom is folly. "What are your candidate's public opinions? Is he for plunging us into a war with America?" "I do not know; but he is truly evangelical." "But is he for repealing the Reform Act, or for extending it into universal suffrage?" "My good sir, you know nothing of the true principle. These are matters I do not think it worth while asking about. I know that he hates every Catholic, and is one of the Rev. Dr. Muir's

elders." The opposition to Craig and Macaulay went chiefly on this principle. The contest brought out that these religious monopolists were organising associations not unlike Orange clubs, all over Scotland.

I have seldom seen greater surprise or disgust than on the publication of the exposition of their scheme.* This detected attempt to revive the days of the Fifth-Monarchy men now appears to be made by secret district committees, directed by an Edinburgh secret tribunal. In its invasions on personal independence, this inquisition has been guided solely by the reputed religious weakness of families and individuals. Their defence is, that it is right to make everything, but especially politics, a matter of religion; and under this phrase they pretend to make us believe that they themselves do not see that they are only making religion a matter of politics. Many of the evangelical, including a majority of the best of them, resist all this humiliating folly; but the folly was the only bond that united Sir Culling's supporters. Hence their motleyness. His committee contained Established Churchmen and wild Voluntaries, intense Tories and declamatory Radicals, who agreed in nothing except in holding their peculiar religion as the scriptural, and therefore the only safe criterion of fitness for public duty. These men would have preferred Blackadder to Marlborough for the command of an army. "The

* See "Caledonian Mercury," 13th July 1846.

struggle," says Hugh Miller, "is exciting the deepest interest, and, as the beginning of a decided movement on the part of Christians of various denominations to send men of avowed Christian principle to Parliament, may lead to great results."* The degradation of religion is the only result that is certain.

The thing that strikes me as the most curious in the scene is the openness with which those people who say that Establishment damps zeal are now beginning to adopt what, two years ago, they would have shuddered at as the madness of the Voluntary. The expediency of disuniting the Church from the State was distinctly avowed, not merely by Dissenters and Radicals, but by Tories and other recent idolaters of Establishment, and by Scotch Episcopalians, whose grievance and long lamentation has been that State-paid, legally liturgied, and mitred Episcopacy is not the statutory religion of Scotland. The Edinburgh committee of the Association is unanimous that "existing religious Establishments are unsound," and that "in the event of proper occasions arising, the entire removal of such Establishments may be sought as a legitimate and desirable end." It is the end which will unquestionally be attained one day, if the present freedom of thought and action be preserved. Neither reason nor antiquity will uphold the Church long after there shall be more Dissenters than Churchmen in

* "Witness" newspaper, 11th July 1846.

the middle ranks of the general population of the empire.

17th October 1846. Dr. John Thomson died on the 11th instant, at his villa of Moreland near the Grange, to which he had retired from all business a few years ago. He was eighty-two. He began life as a weaver, in Paisley; and ended it, after extensive practice, as a retired professor in the University of Edinburgh, and the most learned physician in Scotland. To almost his last week he was a hard student, and not even fourscore years could quench his ardour in discussing science, morals, or politics. How he enjoyed a dispute! He was a discerning and attached patron of youthful and friendless merit, and was rewarded by his fruits. There are men who owe their rise to him, and who bless his memory, all over the world. Though he did nothing in 1793 and 1794 but express his Whig opinions boldly, this was enough to bring him within the proscription of that reign of terror, and to fix him in his principles, which he was most useful in promoting through all his subsequent life. He was one of the marked men of that resolute and public-spirited class which is now rapidly disappearing, and to which Scotland owes so much. His peculiar usefulness arose neither from his talents, his learning, his warmth of heart, nor his steadiness of principle, but from his enthusiasm. He never knew apathy, and medicine

being his field, he was for forty years the most *exciting* of all our practitioners and of all our teachers. Was a right principle, or a right institution, or a right man, in danger—especially, was any of them in danger from indifference, get Thomson. He made them blaze. Men, especially young men of promise, were inspired by his zeal and his confidence in the triumph of truth. The dullest professor was made ashamed or, if this was impossible, was properly abused. The most brutish town-council was defied and spoken true of. John Thomson was always the star.

I have the idea of a good Scotch dialogue between him and his great friend John Allen in Elysium, joined by Baron Hume, the first Lord Melville, Braxfield, Sir Harry Moncreiff, and Sir James Gibson-Craig who must die by anticipation. Braxfield, who was called to the bar in 1744, and probably never saw a good Scotch change except his own promotion, should represent the coarseness and political prostration of that last of our barbarous ages; Hume should be the type of our respectable narrow-minded bigotry; Sir Harry, of the best of our old Church, and he would certainly lament that he did not live to avert or to join the Free; Sir James, of that resolute band who stood in the dark period and actively forwarded the brighter day that he survived to see. Thomson would be his companion in this, and he and Allen should be the chief, and the best, provokers of the talk. Both

medical; both risen from a humble origin to great eminence; intelligent believers, free thinkers, and fearless talkers, but in different styles—Allen gentle, Thomson dogmatical. Melville should represent all sides; defending the old system as natural for Scotland in the last age, and the new in this. Except Hume, they would all end in jolly good humour, and with a strong bias towards the prevailing tendency of what cannot be helped; but Hume would retire in horror, and pass his eternity in solitude or with Glenlee.

15th November 1846. This strange year has continued unnatural to the last. Not a bad summer; and, indeed, except at Edinburgh, an excellent one; but always in extremes, and out of place. Its great memorable result has been the completion of the extinction of our beloved potatoes. They have been going for some years; and now, though a few still linger in Goshens, practically speaking they are gone. It is a severe affliction on the poor, as Ireland and the Hebrides can tell. We are getting on the best way we can with rice, Indian corn, macaroni, and other substitutes; and we who can purchase these think ourselves vastly resigned and easily pleased when we joke over these novelties amidst our wines, old mutton, carpets, fires, and every comfort, except only potatoes. But Ireland and the Hebrides! Some predict that we

are never to see potatoes more, except as curiosities—which I hold to be nonsense; but although chemistry, agriculture, meteorology, Government, and all public and private science have been conjecturing, and arguing, and experimenting for about a year, the only indisputable fact that has been ascertained is, that they know nothing about the matter.

14th January 1847. The Free Church has again astonished everybody, but itself, by a contribution, almost entirely at its church-doors, for behoof of our destitute Highlanders. It amounted on the first Sunday to several thousand pounds, and has now risen to above £11,000, and will probably be £12,000 when all the kirks shall have made their returns.* No one sect, including the Establishment, ever raised so much at once in Scotland for charity. A general subscription is now going on which will be very productive. In truth, the worst thing in the calamity is exactly these contributions. If it had been possible to have raised or distributed the money silently, feeding the people would not have corrupted them; but infinite permanent mischief must be done to a population which, however worthy otherwise, is lazy and ignorant, by the proclaimed meetings, and begging committees, and pathetic speeches, and moving sermons, and all the publicity of the apparatus by which

* I understand it is now above £15,000.

the water of life is pumped up and diffused. There are many strange facts which ought to create the greatest alarm as to the future reliance even of our innocent Highlanders and Islanders on the public purse. In Ireland, where everything good turns bad, and all bad turns worse, the future prospect is infinitely darker. However, if the first misery was once over, the permanent disappearance of the potato will be a blessing to the future poor. No population should depend on any food so low in the scale that when it fails there is none lower.

14th February 1847. Macvey Napier died on the 11th instant. The first framer of an admirable course of lectures in our college on conveyancing, the editor of the supplement and of the seventh edition of the "Encyclopædia Britannica," and the editor of the "Edinburgh Review" for almost eighteen years, and himself the contributor of many excellent articles to this work, could not be an inconsiderable person. Without absolute learning or talent in the higher senses, he was intelligent and sensible, well read in morals and metaphysics, very industrious; and he had a good, plain, clear style of composition. The "Encyclopædia" and the "Review" connected him with the whole science and literature of the country. No such stream can pass through the soil of a good mind without enriching it by its depositations. The misfortune

of the process is that the habit of merely delivering others is apt to impair, or at least to supersede, the power of one's own creation. If Napier had not given his best years to the editing of these works, he would probably have produced something worthy of his own; and several of his papers, such as that on Raleigh, showed that he was fit for considerable things. He had many steadily-attached friends, but was not generally popular. This was entirely owing to a hard air and manner, and a foolish notion of his own importance. For in reality he was an excellent man, with a warm, true heart, and a taste for kindness. Another of the old set gone. How few remain. A few threads more cut, and it is all over!

Everybody is speculating about the "Edinburgh Review." We could still find a good editor in its birthplace; but it belongs to the Longmans, the London booksellers, and most of the articles come from that market; and therefore I fear that it will all go there.

Napier lived in 39 Castle Street, the house next George Street, on the east side of North Castle Street. This formerly was Sir Walter Scott's house—"Dear 39," as he calls it in one of his letters, when his embarrassments compelled him to leave it.

23d February 1847. In order to employ, and consequently to feed the people, a recent law has empowered Government to advance money to landlords

for the improvement of their estates, chiefly by drainage; the loans to be repaid in the form of the borrower paying 6½ per cent for twenty-one or twenty-two years. The result of some months of this law is said to be that Ireland has borrowed about £30,000; England about £200,000; and Scotland considerably above a million. Most striking facts, most descriptive of the agricultural condition of the three countries. This is the triumph of the Scotch lease; for it is the tenants who must pay the interest by increased rents. Few Scotch farmers, protected by leases of due endurance, hesitate. English farmers, who may be turned out at pleasure, cannot undertake such a burden. Some of the English squires, who seem piqued at this, account for it in Parliament by saying that the advances are made according to priority of application, and that it happened that the Scotch applied first. If this did happen, how was it? Because the Scotch were the first to know what the tenantry would do.

6th March 1847. A public meeting, composed chiefly of entail proprietors, was held here the other day in order to concert measures for relaxing the entail fetters. The Lord Provost was in the chair. This event is remarkable from its being the first public occasion on which our aristocracy has openly kicked against what it has hitherto always maintained

to be the most valuable breakwater against democracy. It is neither wisdom nor patriotism that has dictated this move. It is solely the result of the hardness of the times, aggravated by the hereditary folly which has left so few of our landed proprietors solvent. Scarcely one of these people see or care for the effects of our system of entails on the public. On the contrary, so as they are clear there are not three of them who would not fetter every joint of their descendants. Accordingly, entails are still upon the increase; but the galled wince, and my anticipation is that they won't wince quite in vain. Each laird won't, as he expects, get his estate in fee-simple next session, but in time he will obtain some relief. The mind of the age is favourable to freedom in the commerce of land. Capital is clamorous for earth. A great majority of heirs of entail, fretted and degraded by debt, pant for emancipation; and our plan of entails, which allows every worm of the day to torment the most distant generations with the most pernicious conditions, is indefensible. Nothing can justify the eternising of individual caprice over the fixed national property The various measures adopted during the last century for softening the severities of entails—the Montgomery Act, the Aberdeen Act, the Rosebery Act, and all the other Acts got by or for individuals who had jobs to do for their own estates, instead of improving the situation of entailed property, have had the opposite

effects. They have eased the heirs in possession by burdening those to come, and have thus left entailed owners permanently and as a class worse off than ever. Yet every example of touching the law now operates powerfully as a precedent for making the law ultimately right. The result is that something like the English system of entails, limited to visible mortal interests, will probably be adopted; but not at once, or on principle or system. This will be thought too bold. The plan of only slackening the chains over the tight parts will be adopted, till, the popular mind being made up and irritated by delay, the whole system will, in some unexpected moment, disappear. Some sensible people doubt whether entails be not necessary for our aristocracy. I don't believe that they are so now, or were ever, so far as aristocracy depends upon land. What the Scotch call "*a yird hunger*" is a very strong passion. The tradesman's dream over the counter is of land; and if he once gets the acres, a single month of them, with "esquire," changes his nature. He is a laird, and his dreams are of the country gentleman. This is the natural aristocracy of land, and it needs no go-cart to help it. The difficulty is with hereditary nobility. It is perhaps of little importance to the public whether one man or another be the owner of an estate; but it is of great importance to a public that likes nobility by birth that nobles should not be beggars. A mendicant

peer is very unmonarchical. It might be avoided by a law untitling those whose property falls below a specified amount; but still "my lord" to-day and "Mr." to-morrow is not graceful to a throne. It is said that England under its entail system has preserved its landed and titled wealth. I cannot answer this, because I don't know the facts; but I suppose that England has its noble paupers too, though in that larger country they may be concealed by the general riches and the splendour of the great houses, and the personal glory of the new creations. But the mendicity of a duke absconding from his creditors and leaving his magnificent mansions to the sheriff's officers, and this degradation made perpetual by an arrangement with the next heir, is an example and a possibility very hurtful to royalty and titled aristocracy.

18th April 1847. There was a public meeting here on the 9th instant in favour of what are now termed "ragged schools." Aberdeen, under the sole suggestion and direction of Mr. William Watson, the Sheriff-Substitute, set the first example of this in Scotland a few years ago. Dundee followed, and then Edinburgh. Here too, each sect has already put in its claim for the exclusive care of the ragged children; but though this universal curse of sectarianism should be got the better of, the other usual obstacle of making the destitute child more comfortable than the child of

the ordinary poor working-man will have to be overcome. This last is the canker that lies at the heart of every British scheme for reforming the poor or the guilty. The problem to be solved is to keep paupers and criminals in a worse condition than the honest poor man, and yet to avoid the imputation of cruelty; or to raise them to a better condition without giving the honest poor an interest to become one of these classes. It can never present itself for solution except in a country like Britain, where the exhalation of pauperism gathers at every labourer's heel. The difficulty of being humane towards ignorance and guilt without holding out a premium to these very vices seems inextricable.

The present inspirer of our public in favour of the ragged is the Rev. Thomas Guthrie, a very eminent person. The first ragged school in Edinburgh was the doing of the Rev. William Robertson of the Greyfriars' Church; but the present Edinburgh move is entirely by Guthrie's impulse. He began a few weeks ago by a pamphlet entitled "A Plea for Ragged Schools," which has just been criticised in the "Edinburgh Review." Independently of its facts and its humanity, this pamphlet has made a great impression by its mere picturesqueness. Next to Chalmers, Guthrie is now the best pulpit orator in Scotland. The reviewer's description of him is quite just, particularly in his being "full of pictures and passion," and in his

"dropping gracefully down from the most soaring flights to the most familiar illustration." But his true charm lies in his simple sincerity, and in his elevated and luminous expositions of divine truth and of human life. Practical and natural, often homely, but never vulgar, passionate without vehemence, and with perfect self-possession, and always generous and devoted, he is a very powerful preacher. His language and accent are very Scotch, but nothing can be less vulgar; and his gesture, which seems as unthought-about as a child's, is the most graceful I have ever seen in any public speaker. He deals in the broad, expository, Ovidian page, and is comprehended and felt by the poor woman on the steps of the pulpit as thoroughly as by the intelligent strangers who are attracted solely by his eloquence. The poor, indeed, are his true audience. He has long given himself to them, and knows their nature and their necessities perfectly. Everything he does glows with a frank, gallant warm-heartedness, rendered more delightful by a boyish simplicity of air and style. He is tall and dark, cheerful and very conversible. He became Free when the Establishment left the Church of Scotland, and was one of the lights whose loss eclipsed it. Though a steady Whig in his opinions, practically he eschews politics, and in matters religious is perhaps the least illiberal of clergymen. He should never speak except in the pulpit; the platform does not suit him.

However, he was not the first in this modern ragged school movement; and let it never be forgotten that the introduction of these institutions into Scotland was the work of William Watson alone. He created and got one maintained for years without a single imitation.

This number of the "Review" is the first that was ever edited out of Edinburgh. The booksellers (Longmans) who are its owners have, on Napier's death, removed it to London; and it is now Edinburgh only in name. The prudence of breaking the old charm is more than questionable. This number has been got up by Professor Empson, Jeffrey's son-in-law, but it is not believed that he will be continued the permanent editor. I am sorry that Edinburgh has lost the reputation of being the site of such a work.

CHAPTER XIV.

1847.

18TH MAY 1847. On Thursday last, the 14th, after much coquetting and many years' negotiation about the terms of the contract, a marriage was at last effected between "the United Secession" and the "Relief" churches. The first of those communities, consisting now of about 400 congregations, was the result of the folly of our rulers in driving Ebenezer Erskine out of the Establishment in 1736. The second, consisting of about 100 congregations, is the result of another folly of precisely the same kind, perpetrated by the deposition of Thomas Gillespie in 1752. Each of these men, suffering from his hostility to patronage and to the interference of the civil power in matters spiritual, had a rich and deeply sown soil of Scotch feeling to stand upon. A forest of 500 Voluntary trees is one consequence; but another of far greater importance, though not so obvious, is the effect which the existence of such harbours of refuge have had in enabling the people to defeat the Establishment's disregard of them, and to aggravate the contrast between

the Calvinistic devotion of the one party and the merely political power of the other. I forget why Gillespie's adherents did not at once join Erskine's, but formed the Relief—probably only from the pride, common both to priests and to their followers, of having a sect of their own, but there was no principle and no interest to keep them separate. They are now "The United Presbyterian Church." Their alliance seems to have been distinguished by as much grandeur and etiquette as if it had been a marriage between the houses of Austria and Bourbon, and by as much jealousy of each other's pretensions and dignities as if it had been a meeting of diplomatists arranging a ticklish national compromise. However, it must have been a striking scene.* The approach and confluence of about 420 Dissenting clergymen, with about double that number of students and elders, can never be a matter of indifference in Scotland. As at other weddings, there was a feast after the ceremony—a "*fruit soirée,*" which took place in the evening. It was meant to have been held only in the hall at Tanfield, which had been the scene of the forenoon solemnities; but as this place only holds about 3000 people, and there were many more wanting in, it was announced that the soirée was to be extended to the Music Hall in George Street. The chief performers, however, were engaged for Tanfield, and nobody would move. On this it was

* See "Caledonian Mercury," 17th May 1847.

intimated that, besides what the Music Hall might get of its own, the orators at Tanfield, after having discharged themselves there, would repeat, all of them, the very same speeches at the other place. On this, those who could do no better went away, and were regaled by the flowers of the rhetoric after their first odour had exhaled. Great good nature this, with probably some vanity and considerable absurdity.

It may be doubted whether this union will do any good to the parties merely as sects, rivalry being the sectarian soul; but as against other parties it will certainly consolidate their power. The opinion of one great body has more influence than the separate opinions of that body's parts. The obvious question that must occur to every dispassionate person is, Why do not these people belong to the Establishment? Why unions and disruptions of Presbyterians in Scotland? What the true answer to these questions is admits of no doubt. One half of Scotland has been driven out of the Establishment solely in order to maintain patronage and the right of the civil power to control spiritual jurisdiction. Whether these objects be worth the sacrifice must be judged of with reference to two circumstances. One of these is, that independently of the State's right and duty to regulate patronage as partly a public trust, the patrons are a handful of individuals whose whole interests could have been purchased for a trifle; the other, that the Church of Scot-

land is so utterly without one particle of patrimonial or political power that, except for the purpose of obstructing it spiritually, the civil magistrate has rarely had, and can rarely have, any occasion to interfere with it.

Union or dis-union, the ear listens in vain, amidst these movements of religious parties, for a whisper of toleration.

30th May 1847. Yes. There has been one whisper, faint certainly, but grateful even as a whisper. Edinburgh has been blackened this week with its yearly convocations. In addition to the two great Established and Free swarms, we had these United Presbyterians; and the last voted in favour of secular, *without religious*, education by the State; being, I believe, the first resolution of that tendency by any religious body in this country. If they would all take this view we might have some hope of the effectual instruction of the people. But all the length the Free will go is to give a feeble and reluctant recognition of the principle that it is not necessary that religious and secular instruction should be combined in education by Government. But then, even this was virtually nullified by a positive protest against any public endowment, even by aid, to schools "of ERROR"—that is, of Popery, or of anything that they may deem error; so that Government, which can only operate by means

of endowment, is to leave all the people, except those whom the Free Church thinks not in error, to their ignorance.

The principal feat by which the Established Assembly distinguished itself was by a vote, *opposed only by two members*, virtually in favour of our irregular and clandestine marriages!. In point of form it was only a vote for the delay of the Marriage Bill, but the principle and the sentiments were in favour of our existing system. One layman and one clergyman represented all the sense that the Assembly contained on this subject.

13th June 1847. All thought of these things was absorbed by the sudden death of Dr. Chalmers, who was found dead in bed on the morning of Monday the 31st of May. His body and his spirit had parted so calmly that he had not even fallen from the sitting posture in which he had been attacked in bed.

No private death could produce a deeper or more general feeling of public sorrow; and no wonder, for he was the greatest of living Scotchmen. It is not difficult for one who, like me, had known him for about thirty-six years to explain how he was so.

He was not a man of what is called learning in any sense of the word. He was less profound than varied; more discursive than exact. But the largeness of the fields that he cultivated may be seen in

what he produced. His chemistry was sufficient to enable him to give an excellent course of lectures on that subject at a very early period of his life. He stood candidate for the Edinburgh Mathematical Chair, with qualifications very strongly attested; was Professor of Moral Philosophy, including Political Economy, at St. Andrews; and of Divinity and other theological subjects, in Edinburgh—the whole of which academical duties he performed admirably. These facts imply a studious mind, fraught with general knowledge, and of various powers. Accordingly, besides all his native honours, his general merits were attested by his being elected a member of the Institute of France, which I doubt if any other Scotch clergyman ever was.

Still, he was inferior to several of his surviving countrymen in pure literature and science; which, indeed, after he became devoutly serious, he scarcely cultivated for their own sakes, but only as auxiliary to his graver pursuits. But he was unapproached in the force and splendour with which he promoted the practical objects to which his mature life was devoted. These objects were all centred in the advancement of that Evangelical religion which he deemed the one thing needful; and this, in his view, included the whole Christian and civic economy of our population. Education, therefore, and pauperism, and religious accommodation, and ecclesiastical rights

and policy—everything, in short, not purely political; that directly concerned the moral elevation of the people, came within his sphere, but all subordinately to the diffusion and maintenance of what he thought vital religion.

To the furtherance of this, his soul's work, and its kindred branches, he brought qualities which do not merely set him above every Scotch clergyman who has appeared since the Reformation, but rank him with the most powerful, and distinguish him as the most brilliant, of recent philanthropists. As a churchman, even Knox was not his superior. Chalmers, if his day had required it, would have equalled the earlier reformer in that fearless defiance of power which was his chief glory; but, so far as can now be conjectured, Knox, if cast on this age, could not have reached the philosophy or eloquence of Chalmers. The ambition of none of our modern clerical leaders, including even Robertson and Sir Harry, rose above the management of their little church parties, and this only by acting on church courts. Chalmers, superior to such corporation triumphs, and despising all victories of party on their own accounts, addressed himself, on higher objects, to the whole Scotch mind, and it was to his success over it, and not to any ecclesiastical manœuvring, that his influence over these courts was chiefly owing. He is the only Scotch clergyman whose professional writings have commanded general and distant

admiration. There is scarcely a place where English books are read that does not delight in the rich and lofty animation of his works. The strong peculiarities of his style and diction, though not always reconcilable to correct taste or classical propriety, and very provocative of caricature, aid his effect by stamping the page with the author's own individuality. As an orator he "fulmined over Greece." Robertson surpassed him in dignity and elegance; but even Robertson would have withered in the furnace of Chalmers, whose declamatory blaze was so fed by solid thoughts and practical views that, after speaking everywhere, and on all occasions, for above forty years, it was as difficult for the unsatiated public to get access to hear his last display, as it was to hear him while he was still new.

The exhibition of these powers in any cause would have sustained a high reputation. But their effect was greatly heightened by the purity and benevolence of the ambition that directed them. He was never thought of as a politician. Except in reference to the possible and indirect effects of political changes on his sacred task, he was as nearly indifferent to the vicissitudes of political party as any British subject can be, though, upon the whole, he preferred the Tories. Having no son to beg for, and his nearest relations contented with the humble competence of the Scotch Church, I doubt if he ever asked Power for

a single personal favour. He was equally indifferent about the thousand other little great matters of contention by which life is so often troubled. Neither the constitution of a town-council, nor resistance to a tax, nor a parliamentary election, nor even the reform of Parliament itself had temptations to excite him. Immortal happiness was his sole ultimate aim. This gave great weight to his authority, hallowed his public appearances, and facilitated an eloquence which it allured all to admire.

His moral excellence cannot be estimated too highly. Besides affection and honesty, which comprise most goodness of the heart, and gentleness and frankness, which include the best parts of a good manner, he was deeply imbued with two qualities which too rarely attend public eminence—humility and simplicity. No detractor could pretend to think so little of him as he really thought of himself. He was utterly guileless; as unspoiled by applause as ever Scott was. He might have been lived with without its ever being suspected that he was anything but a contented, good-hearted man. A taste for domination is one of the natural effects of long supremacy; but he had as little of this taste as was possible, and no one ever combined it with such a total absence of arrogance. Nothing could make him cease to be kind, and it required some very unusual excitement to disturb his habitual candour. That man of bold thoughts

and of burning imagination, on whose opinions and words the country hung, as soon as the paroxysm of exertion was over, became as soft and as artless as an infant. The singleness of present idea which concentration of energy produces and requires, led him into occasional error, by preventing his seeing the exciting object of the moment in its relations to other things. But the arrow was no sooner in the air than the bow resumed its natural position. Nor (happily for the pleasure it gave his friends) was he without that attraction of personal peculiarity which, when unaffected, generally enhances the interest of amiable greatness. Everybody loved the quaint, picturesque oddity of his look, figure, and manner; his self-coined diction and thick articulation; his taste for cumbrous jokes, and the merry twinkle of the eye, and the funny expression of the corners of the lips, which showed that graver cares had not quenched the frolicsomeness that had distinguished his youth.

It is not easy to account for the Toryism of one who, though courted by the aristocracy, and proud of its confidence, had such sympathy with the tastes and happiness of the people, that he was more truly gratified by the love of the dwellers in vennels than by the patronage of the titled owners of great domains. If ever there was such a thing as a natural-born Whig, it might have been supposed that he was one. But French infidelity was imputed to the Whigs as a part

of their political creed, while Toryism held itself out as the only sure pillar of the Church; and this was enough for a man to whom politics were subordinate to religion. This view of politics led to his great and clear blunder of sometimes courting all political parties by turns, and has exposed him to the charge of vacillation, and even of insincerity, from both of which he was, when understood, perfectly free. Hence the dispassionate of all parties respected and liked him. Always an idol with the people, his Whig friendships extended as he advanced; and neither this fact nor their general horror of the Free Church estranged him from any except the violent of his old Conservative friends.

There was more merit than I hope posterity will be able to understand in the rare circumstance that, in these times, he was a liberal Churchman. A more thorough Calvinist there could not be; but he never questioned the possibility or the right of honest enquirers to find neither Presbytery nor Protestantism in the Bible; and, while adopting the principle of an Establishment; there was no protection, short of Establishment, which he did not concede to others. Even as a polemic he desired no victory but what could be gained by reason. His defence of Catholic emancipation, and indeed all his speeches and measures, breathe conversion, but never by pains and penalties. Honest disbelief he could understand, not hypocrisy. Jeffrey,

between whom and Chalmers there was a strong mutual affection, tells me that he once said something which Chalmers construed into a confession of infidelity, but that, instead of starting off in horror or answering by abuse, he drew to him more kindly than before, "and behaved as gently to me ever after as any mother to a sick child."

We were the fonder of him from his honest nationality. His opinions, and tastes, and tones, and manners, and language, and objects, were all saturated with Scotland. The very sight of him first excited a momentary smile at his external peculiarities; then suggested the idea of some high theme, scentless of the earth of vulgar anxiety; recalled his eloquence, and gave him our veneration. His funeral attests the reverence in which this large-hearted and most loveable man was held. I doubt if there was ever such a funeral of a private individual in Scotland.* It was not the mere numbers of the sepulchral followers and spectators. The might and the virtues of the departed were more strikingly attested by the variety of character and principles that united in the spontaneous homage.

It is useful to observe that it is not in any new system erected, or in any new principle expounded, that Chalmers will live. I am not aware of anything

* See the description of it, from the vivid pen of Hugh Miller, in the "Witness" newspaper of 5th June 1847.

original that we have gained which, had it not been for him, we would have lost. His subjects were all old; and even the Free Church, the last and greatest actual change with which his name is connected, was neither his work nor that of the clergy. It was the work of the people, who, if every minister had stuck to his benefice, would only in greater numbers have left the Establishment, which this fact would have alienated them from the more. He did not send them through the wilderness, but was only the pillar of fire that lighted them after they were determined to go. It was neither as a discoverer nor as a founder that he shone. Neither was it with Somers nor Burke, but, like these illustrious men, he made great powers operate on vital questions which were lying dormant or unsettled till he roused and fixed them. He did with the public what Stewart did with his pupils—raised them to higher tastes and prospects. Great causes create great men, but great men elevate great causes. His value must be estimated not merely by what he did, but by what he prevented; for he was a good suppressor—not in the style of Sir Harry, who trampled upon his followers when they were disposed to be foolish, as if they had been so many vermin, but by weight of authority, and the difficulty of doing without him. Many a safe enemy will rail, and many a conceited friend chatter, now that he is gone. The Free Church will not know how useful he was until it shall ex-

perience the smaller men into whose hands it has fallen. I anticipate his statue, by Steell, being placed in their college. May the contemplation of that massive forehead excite their admiration of intellectual greatness, and the gentle thoughtfulness of the countenance inspire them with the love of those tolerant virtues of which his heart was the sanctuary.*

23d July 1847.—The Parliamentary session which is closed, or closing, has made a considerable and silent stride in the right direction on Scotch law reform. At least five statutes have been passed, each of which tends in its way to disentangle us of the phylacteries of the feudal system. These are—first, an act about services; second, about the transference of heritages not held burgage; third, of those held burgage; fourth, about the transference of heritable securities; fifth, about Crown charters and Chancery precepts.† Awful gashes into the vitals of the idol that our grandfathers worshipped. The spirit of St. Martin has, I fear, been troubled, yet no living man said No. Even our

* The best portrait of him is by Duncan. There is a good print of it by Burton. It is very like him in his contemplative mood, but in this alone.

† M'Neill, the late Lord Advocate, began this putting common sense into our deeds by two excellent Acts passed in 1845. These are the 8 and 9 Vic., c. 31, for facilitating the transmission and extension of real securities; and the 8 and 9 Vic., c. 35, for simplifying sasines.

reverential formalists, the sentries against legal innovation, were satisfied, or were at least reduced by necessity to despair, and the covey of statutes flew through Parliament without the flap of its wings being heard. We owe them all to Rutherfurd. In this session, his Registration and Marriage Bills failed, but they *must* succeed soon. Measures of such undoubted expediency could not have been obstructed by such almost unexampled delusions if due care had been taken to explain them. I did not imagine that clandestine and irregular marriages could have had any respectable and avowed defenders. Yet almost every presbytery in Scotland has disgraced itself by standing up for them.

22d August 1847. The general election is now nearly over. It is impossible almost to speculate on the composition of the new Parliament, because the old simple landmarks are very much obliterated. Party objects and party names are changed. The only party that preserves its ancient form and principle is the Whig, though even they are now somewhat divided and mixed. The Tories are extinguished — at least old Toryism is. The term is generally taken in a bad sense by themselves; and they won't even call themselves Conservatives. I have scarcely been able to detect any candidate's address which, if professing Conservatism, does not explain that this means

"*Liberal* Conservatism," which signifies something very like Whiggism, even if it does not mean Radicalism.

The most striking Scotch election fact is the totally unexpected rejection of Macaulay from Edinburgh; but its chief importance in my eyes arises from the interest which, after passing politics shall be forgotten, must attach to the history of so distinguished a man. The conduct of those of the Liberal party who voted against him cannot be explained on any rational principle, because he had done no act, and he held no opinion, different from those of his former colleague William Gibson-Craig, whom they re-elected. Personally he was not popular, and a majority of the Free Church made a run at him, because he was less bigoted than they liked against Catholics. But these circumstances won't account for the result. I suspect the prevailing belief to be well founded, and that it was owing to the use made by the Tories of their second votes. There were four candidates, Craig, Macaulay, Cowan, and Blackburn. Of these Blackburn alone was Conservative. A good Tory would naturally have plumped for Blackburn; or, if he chose to give both his votes, he would have given one for Blackburn and one for Craig or Macaulay, who were safe constitutional Whigs and churchmen. But instead of this, eager to hurt Government by rejecting one of its ornaments, and a member of the cabinet, they gave

their second votes to Cowan, an avowed Voluntary, and very nearly a Radical. About 700 of them are said to have first voted for the Conservative churchman, and then for the half Radical Voluntary; though they had two Whig churchmen to choose from. However dangerous, this has been a very common course with that party.

6th October 1847. A rare fact. A subscription has been too productive! Including grain and money, about £100,000 has been spent by the Edinburgh and Glasgow committees in the relief of Highland destitution. Yet it is now disclosed that they have about £114,000 over. A keen discussion is going on as to what is to be done with this surplus. Every charity claims it. Most fair people think that where the subscribers are willing to take it back, or where it was given (as most of it was) for the relief of Scotland *and Ireland*, it should go to the contributors, or to Ireland. But the Scotch committees, having got it, are resolved to keep it; and therefore, though the particular famine on account of which it was given is over, they have resolved that there is to be another famine connected with the last one, and that they will relieve it too. This will confirm some of the worst Highland habits, both of landlords and of people. Dr. Alison, who empties his own pockets for beggars every day, and thinks all mercy on the public pocket crimi-

nal, of course highly approves of this. He has published another valuable pamphlet,* with a view to extract demonstration from the recent famine of the beauty and the perfect safety of a constant and full compulsory provision for all pauperism. Candour and benevolence never fail him, and he may be right; but he seems to me to rely too little on reasoning, and too much on questionable or partial statistics. But whether he be right or wrong, the question is settled. The whole empire is now poor-rated. That our Highlands will be enormously improved is certain. As yet they have been utterly neglected, not merely by the law, but by charity, and by policy. Speaking generally, *nothing* has been done for the people, and the current of the modern system has been against them. *This* was bad and unnecessary, and the landholders are destined to suffer for it until the new system can operate, after which they will be rewarded. But whether the chronic pauperism which had fastened itself on our Highland population could not have been removed by the old law is a different question, and one not now worth considering.

27th October 1847. At Colinton House a few

* "Observations on the Famine of 1846-7 in the Highlands of Scotland and in Ireland, as illustrating the Connection of the Principle of Population with the Management of the Poor."—Blackwood.

evenings ago, Lord Dunfermline, Richardson, and I, who all remember Edinburgh for above sixty years, were talking of its former days. No one can possibly be less poetical than Dunfermline, which made Richardson and me surprised and pleased at the enthusiasm with which he remembered a part of his youth when he lived in George Square, with his uncle Lord Abercromby the judge. He sighed over the society of Edinburgh at that period; and though admitting the superiority of our present domestic accommodation, maintained that the bygone men and their style were far superior to those that have succeeded.

This was by no means one of memory's dreams. He was wrong about the individuals, and no doubt the scene he looked back upon owes part of its attraction to the softening of distance. But still there was enough in our old society to justify the affection with which all who knew it always remember it. It was excellent in itself, and curious in its position.

It contained many good, and several bright, names both professional and literary, and was graced by a far greater intermixture of resident rank and family than either Edinburgh or any provincial town can boast of now, when everything of the kind is sucked into the London whirlpool. The successive throes of the old town for deliverance had gradually produced St. John Street, Brown's Square, Argyle Square, George Square, and gardened Nicolson Street, each of which, with its

new-lighted swarm, was fashionable in its day. Yet even with these aids there was very little elbow-room, and the quarters of the gentry were always clustered together. Chambers, in the beginning of his interesting "Traditions of Edinburgh," gives some curious statements of places and residents. They exhibit a picture of society which is incomprehensible now, and indeed was scarcely credible even to such survivors as lived in it. They imply that those of the upper class must have all been well acquainted, and must have associated with the familiarity of village neighbours. What else could people do who pigged together in the same "Land," and had their main-doors within a few feet of each other on the same common stair? This must certainly have occasionally given rise to the petty quarrels and factions that keep small sets awake; but on the whole the local concentration was favourable to kindliness and mirth.

Few of them had houses, and still fewer incomes, convenient for formal company dinners. The lady's bedroom was often the drawing-room. This, and custom, prolonged the hereditary resort of men to the tavern for business and conviviality. And this habit of taking their ease at their inn, though often encouraging riot and coarseness, fostered that taste for hilarity and fun, for claret and high jinkism, which dashed the stateliness of the manners with such a curious mixture of frolic and individuality. The

avoidance of heavy home dinners was economical, and made the private gatherings be at full-dress tea-parties, or at that most delightful of all meals, the social supper; or it drew the fashionable to one of the three places of public amusement, of which, as it exhausted the supply, no more than one was ever open on the same evening. These were—the still existing theatre at the north end of the North Bridge, which, under the direct patronage, or rather charge, of associated private gentlemen, had a personal interest unknown to playhouses depending on the manager and the public alone; St. Cecilia's Hall, the concert-room in the "Cowgate," which, when it was built in 1762, deserved the praise of Arnot for being "situated in a centrical part of the town;" and the short-lived and now obliterated Assembly-room in Buccleuch Place, which, after the lapse of fifty years, still dazzles my memory with the excess of what I thought its magnificence.

This system of private and public life tended to secure everything for the use of the Select. And it was well suited for "the small genteel incomes" that were then so prevalent; and made the best company accessible and agreeable to many persons of merit, who, partly from humbleness of means, now so rarely dignify the haunts of public, or even of domestic, fashion.

The Learning and Elegance of the scene must have

been set off by its contrast with the very recently softened barbarism of the country. Ceremony still kept the field against the levelling tide of what was thought modern vulgarity. It was still an age in which powdered bag-wigs, embroidered coats, hooped brocades, and rules and formalities, gold buckles, high heels, higher head-gear, and other picturesque relics, were not unnatural, and were looked upon with the greater interest from the obvious nearness of their final disappearance. There was no public, and very little local, schism. The seeds of religious dissent had been sown, and the crop was even above the ground; but it was unbrairded and unfelt. There were fanatics in those days, but they let good society alone; and there was a race of agreeable and rational clergymen whose sense of decorum was not shocked by polite company, nor their piety deemed wasted if it was not all given to the poor, or the pulpit, or the Presbytery. The violence of Jacobitism had abated, and after that of the French Revolution began, it created no discord among the upper ranks, which were all of the same opinion. Those of that class, therefore, lived well together. The people had not arisen. There was no Public. The single upper class that existed included the nobility, the gentry, the Law, the College, the Church, and Medicine—the whole station and learning of the place, and formed an aristocracy which shone undisturbed.

This "local aristocracy" is the true key to the understanding of the interest and the peculiarity of that society. It was a club, which recognised members of every description who were respectable and agreeable, especially from learning and rank. Nor were even tradesmen, called merchants, absolutely rejected, provided their trade was adorned by personal or family eminence. One good effect of rank or high family is that it confers respectability on its remoter members without wealth, and enables them to be poor, or to follow humble avocations, without degradation; and this feeling brought some even of our deserving shopkeepers within the privileged class, which thus formed a little world of itself.

This community has been made more interesting to a later generation by the fame of some of its members, which always elevates the whole body. And the interest is deepened by its being now seen that the society was shedding its lustre on the last purely Scotch age. Most of what had gone before had been turbulent and political. All that has come after has been English. The 18th was the final Scotch century. We, whose youth tasted the close of that century, and who have lived far into the Southern influence, feel proud of a purely Edinburgh society which raised the reputation of our discrowned capital, and graced the deathbed of the national manners. No wonder that we linger with affectionate respect over the deserted

or degraded haunts of our distinguished people, and that we feel as if we could despise ourselves if we did not prefer the memory of those scenes to all that is to be found in the commonplace characters of modern men, and in the insignificance of modern refinement.

The change that has taken place was inevitable. It is the same change that has effaced peculiarity everywhere, and has cast all habit and character in one mould, of which London is the model. The comparative value of what Edinburgh has lost or gained is not difficult to be ascertained. In point of beauty, and everything connected with the economy of life, the improvement is immeasurable. A return to the old style for a single year would be thought a severe sentence by a criminal court.

The eminent men who have belonged, or still belong, to the present race, if not superior, are certainly fully equal to those of the past age. Take the best evening of the *Select Society*, or the most successful party, during the last thirty years of the late century, and compare its distinguished members with the list of those belonging during the first thirty years of the present century, to the *Friday Club** —it seems to me that the balance is decidedly on the modern side. With three certainly important exceptions, I am not aware of any name of the olden time which I could not match with an equal name of

* See Lord Cockburn's "Life of Lord Jeffrey."—Ed.

our own day. The exceptions are Hume, Cullen, and Robertson. But Hume, who died in 1776, was scarcely within the period, and belonged truly to a previous age. Cullen was nothing in company, or out of medicine. Robertson alone baffles me. He was great at once in literature, in the Church, in society, and in affairs. His equal in each it would not be difficult to find; but I cannot discover a modern churchman equally great in them all. With Dugald Stewart, however, and Playfair, and Jeffrey, and Scott, to say nothing of many others, we have no reason to shrink. But our greater superiority is in the far greater diffusion of talent and knowledge. The fact of this diffusion is implied in many obvious public results. Could Edinburgh, even aided by Hume, Cullen, and Robertson, have done before 1800 what its people have been doing ever since? Could the force and the variety of the native talent that created the "Edinburgh Review" have been collected out of all Scotland in the last age?

It is no doubt possible to conceive an extension, both of individual eminence and of general intelligence, without any improvement of the style and habits of good society. But this rarely happens among the same people. The widening of the field enlarges the power of selection; and the inconvenient size of the mass for a single society is corrected by the growth of separate sets. The peculiar old Edinburgh community

is gone. So are our resident nobles, most of our higher gentry, and nearly the whole of our vestiges of royalty and government. But the departure of these has not been succeeded by deserted streets and diminished wealth, nor, I am thankful to say, by steam-engines. We remain a quiet and intelligent native population, relieved by strangers and by families from the country, full of liberal institutions and beautiful scenery. We have lost, necessarily and for ever, the old social aristocracy, but we have got much out of which something as good, though not perhaps so curious, may be enjoyed. Nothing is more natural than for an old Londoner to sigh over the recollection of Bolt Court, and the brilliant evenings of the Literary Club; but he must be a mere fossil of those days if he does not acknowledge that a greater variety of eminence and agreeableness is to be found in the system that is. A wise man would like to have seen the past age, but to live in this one.

16th December 1847. An eminent Edinburgh man is dead in London—Robert Liston, surgeon. He was a native (I believe) of the county of Linlithgow, but was educated and began his practice as an operator and a lecturer in Edinburgh. After establishing a great character here for professional skill and jealousy, he removed to London about ten or twelve years ago, and soon rose very high, till at last he was in as great

reputation, and in as extensive practice, as any other man in the operating line. He was about fifty-three years old. The taste for quarrelling with his brethren, which obstructed him so much in Edinburgh, did not desert him, though I believe it abated a little in the wider field; and in both places, in spite of this too common medical weakness, his general goodness of heart always secured him considerable popularity and many friends.

Scotland is more famous for medicine than for surgery. Our population is large enough to supply cases for medical observation, but it is too small to supply cases for surgical operation. Sir Benjamin Brodie has said that all London could not keep his knife employed, and that a third of his time was occupied by cases from the country. The whole paying surgical practice of Scotland would scarcely keep one gentlemanlike scalpel going. Accordingly, though we have produced many learned and eminent operators, their position has always kept them below the region of the great London surgeons. Benjamin Bell was the leading operator in Edinburgh and in Scotland in my youth; a little, intelligent, agreeable, well-conditioned gentleman.

Then came John Bell, still less in body, but greater as an anatomist and as an operator, though prevented by personal defects from ever attaining the extensive practice to which his talents and energy ought to

have led. Keen, vigorous, bold, able, and most pugnacious, he would have been a fearful creature had not Providence in its mercy made him ridiculous by the contrast between his irascibility and his personal puniness, and the extent to which even his great abilities were exceeded by the boundlessness of his conceit. No formidable insect delighted in its sting so much as he did. Nothing could possibly be more ludicrous than the perpetual onsets between this fierce little man and the large ogre form of laughing Gregory. Johnnie's figure and temper were unfortunate, because he was really very great in all the departments of his profession, both learned and practical;—decidedly beyond all previous, and all then existing, Scotch competition, but defects which made him be laughed at or feared were fatal to his personal and public success.

Of the medical lights that have recently shone in our local world, Gregory was the last of the old school. None since his time have equalled Dr. Henry Joshua Davidson in science or in sense. A reading, thinking, travelled man, of playful and agreeable manners and great sagacity, he would have risen high in any capacity in Europe. Abercrombie, who died in 1844, was his rival, but not his equal. Still he was a distinguished physician, whose fame would perhaps have stood higher had he published fewer books. Alison, who still lives, but in

feeble health, is distinguished too. In science, which his professorship leads him to cultivate systematically, he is superior to both Davidson and Abercromby, and, including the non-paying beggars, of whom he is really the *Magnus Apollo*, his practice has not been inferior. Edinburgh has been singularly fortunate in the possession of three physicians who have combined such medical skill with such excellent personal characters. Three better men never lived. Simpson and Christison seem to be the new stars in their hemisphere.

CHAPTER XV.

1848.

2D JANUARY 1848. Graham Speirs, Sheriff of Mid-Lothian, died, to the great regret of everybody, but especially of the thoughtful, on the 24th ultimo. He was a most excellent and valuable man, and of a sort of which we have few. Sensible without what could be called talent, intelligent without learning, effective in plain speech without eloquence, and industrious without slavery, he had all the qualities necessary for practical use, with an almost total exemption from all those calculated for exhibition or ornament. The parts of his mind, as the Scotch sometimes say of the parts of the body, were all "well put to," that is, well fitted. A strong Whig, he was too gentle to avert any honest Tory, and too candid to encourage any folly on his own side; and deeply religious, those who were not so, instead of being repelled by any severity, were attracted by his reasonableness and toleration. I don't think I ever knew a layman (Lord Moncreiff not excepted) to whom such religious authority attached in virtue of mere solemnity of

character and gravity of manner. Had he lived during the Civil War he would have been one of Cromwell's colonels. Tall, serious, honest, fearless, pious, and very dark, with lofty objects and pure principles, a sound head and a generous heart, Speirs would have been a second, had he not been the first, Colonel Hutchinson.

The Free Church has really been very unfortunate. Welsh, Chalmers, and Speirs—these are severe losses. Speirs was their weightiest layman. Inferior with the pen to Dunlop, and therefore, perhaps, less fitted to arrange and lead the battle, he was above him in the task of calmly consolidating the victory. By his own death-bed direction he was laid beside Chalmers in the Grange Cemetery.

Speirs' later character makes it quite safe to allude to his earlier one. His life would not be turned to its right use were it not held out as another of the many examples of the propriety of never despairing of a young man too soon. He began in the navy, where he reached a lieutenancy; and though always active, gallant, and popular, his wild irregularities and nearly constant disregard of discipline gave the utmost alarm to his friends. But from the moment that he began his civil course he put on a new nature, and, aided by his friends Mungo Brown and John Shaw Stewart, both of whom preceded him by several years to the grave, matured that character of calm and resolute,

but gentle honour and of pious thoughtfulness that distinguished all the three.

6th February 1848. On the 4th our doctors took leave of Syme, who is going to London to succeed Liston, by a grand dinner. There were about, or perhaps above, 100 people present, mostly all medical. Dr. Christison was in the chair. After dinner he sent round a handsomely bound blank volume, in which every one wrote his name, and the book with the friendly autographs was presented as a memorial to the honoured guest—an excellent improvement on the common testimonials. Cheap, and not troublesome to get up; perishable, no doubt, but lasting enough if taken care of, and as valuable *in time* in the market as the ordinary material of testimonials, it is a really useful precedent. Why pay money when signing will do? Subscribe; that is, *write your name.*

13th Febuary 1848. I have just seen the following passage in the last number of the "Quarterly Review" (No. 163, art. 2, p. 76):—"We may add that even within the last twenty-five years, at a sitting of the Second Division of the Court of Session, such words passed between one of the Judges on the bench, Lord Glenlee, and the celebrated John Clerk (afterwards Lord Eldin), at the bar, that the Court was instantly called on by the Lord-Advocate Maconochie (since

Lord Meadowbank), to take such measures as would prevent a duel between these highly reverend sexagenarians; two certainly of the most accomplished gentlemen, as well as lawyers, of their time." Since this strange scene has got into print it may be as well to tell it correctly. I was present and witnessed it.

All that is said about Maconochie is erroneous. I believe he was not Lord-Advocate, but on the bench at the time; at any rate, he most certainly was not present. Nor was there any interference by any Lord-Advocate. I don't recollect, and can't ascertain, the exact date of the occurrence; but I am pretty confident that it must have been some time between November 1819 and November 1823.

The Judges present were Boyle (the Justice-Clerk), and Lords Robertson, Bannatyne, and Craigie. After the usual wrangle at the bar, the Court began to decide a commonplace cause. Glenlee, then about three score and ten, had just commenced, when Clerk, who was counsel for one of the parties, rose, plainly to say something more, but in a way perfectly inoffensive, and though irregular not very unusual. Glenlee, contrary to his usual patience and good-breeding, instantly said—"Na, Mr. Clerk. I'm not to be interrupted. That's *really impertinent.*" Clerk was in a blaze in a moment. "Impertinent!! *I wish you would say that anywhere else.*" Glenlee, famous once

at the small sword, and a thorough gentleman, instead of shrinking behind his gown, fired up too, and answered—"I'll say it *wherever you like!!*" The bar, and the audience and the bench were dumbfoundered. At last the head of the Court (Boyle) broke in, and declared that a gross impropriety had been committed, and that nothing could be done till Mr. Clerk made an ample apology. Poor worthy Lord Craigie, ever afraid of mischief, looked exactly as I suppose his uncle the Lord President did in 1757, at the outbreak between Wedderburn and Lockhart, when he "felt his flesh creep on his bones." Bannatyne, the Celt, was one of the unfortunate wretches who cannot keep their beds in the morning, and, as usual, early rising made him sleep most of the day. He stared, just awakened, and smiled, and seemed to wonder what it was all about. Robertson, who was deaf, unfortunately asked what had happened, which obliged Boyle to repeat it all, loudly, into his trumpet, a recital which made it all look heavier and more serious than it was. Most people off the bench thought the apology ought rather to have been required from Glenlee. However, since it was imperatively ordered to be made by Clerk, I trembled for the result, for I expected him to repeat the defiance. But the instinct that never failed to come to his aid in every professional peril, saved him. He kept his own, and gave the lord worse than he had yet got. "My Lord," said he, in a calm, firm,

resolute style, "I'll make *no* apology!" This produced another united *order* from all the Judges. "Very well, my Lords," said Clerk, with a soft sly sneer, "*since your Lordships will have it*, I'll make an apology! But it shall be an apology *to the Court*. For I'll make *no* apology to *my Lord Glenlee!*"—(these last words with contemptuous birr.) This made bad worse; and there was a more positive order for an instant apology "*to Lord Glenlee.*" Then came the triumph of Clerk's skill. Drawing himself up, full length, on his sound leg, and surveying them all, as a terrier does a rat that he means to worry at a bite, calmly and scornfully, and with a half-smiling leer at what he knew he was going to do, he said, steadily and coolly—"Very well, my Lords, since *your Lordships insist upon't*, I now make an apology to Lord Glenlee, IN RESPECT OF YOUR LORDSHIPS' COMMANDS!!" These last words were spoken with the utmost scorn—as much as to say, what the better are ye of that, my Lord? And everybody felt that the insult was repeated; but the Court was thankful to get out of the affair on any decent pretext, and I felt relieved when the scene was over. Glenlee said nothing; which was thought shabby.

22d March 1848. Agitation. The attempt to "*obstruct the decrees of Providence,*" by withdrawing disabilities from the Jews; the "*monstrous*" proposal

of making it lawful for the Sovereign of these Protestant realms to do the political and commercial business of the country through an agent accredited to Rome; the Income-tax; and the Third French Revolution—these have been bubbling on the surface of the public pot.

The Revolution has superseded them all. It at first confounded people by its suddenness and its thoroughness: and now it baffles them by its apparent hopelessness and absurdity. Yet within a month it has shaken the iron systems even of Germany and Prussia. No dramatic spectacle ever had such rapid contrasts. Harlequin strikes with his wand, and the scene is changed. The fragility of despotism was never made so plain.

Yet these strange insecurities; the extinction of dynasties; the elevation of ignorance;* national bankruptcies; the flight of kings and ministers; and

* The Provisional Government of France, after introducing *universal* suffrage and a legislative Chamber of *nine* hundred!! has put forth instructions to their millions of suddenly created electors. One of these is, that they should utterly disregard *education and property* as qualifications for a good representative; and should rather *prefer* beggary and ignorance. This nonsense has done much good among the people here. And it has been well helped by the robbery, by the Provisional Government, of the money of the poor entrusted to the State in the savings' banks; and by the expulsion, without their wages, of all the British workmen in France. These hard facts abate the poetry of such Republics.

the popular inexperience, resistless by old power, but childish for new good—all make a Briton prouder than ever of his country. It is not improbable that Republics may be established all over Europe. This is the last country that will be subjected to such a change, because it is the country that needs it least. A democracy being the natural resort of people liberated suddenly, and by force, against tyranny, it is the doom of the most tyrannic systems first. It will be in Russia before it is in Britain.

The reception, accordingly, in this country of these weekly invasions of thrones has hitherto been very striking and very satisfactory. The Chartists have met and congratulated their brother idiots of Paris; and there have been a few blackguard pillaging-mobs. But I have never known the general population so unanimous in favour of our own system of things. I don't believe that Monarchy had ever so many friends among us as now. With the exception of the British Chartists and the crazy Irish repealers, even those who hail the rise of Republics on the Continent, are thankful that we have no need of that strong medicine here. Many of our old Tories of 1793 had the feelings of those days revived at first; but they already see the difference of the times. The dangers and ferocity of 1793 would be recalled if we were again to attempt to control the French in the management of their own affairs, to repeal the Catholic Emancipation, to revive

our municipal abuses, to call economy Jacobinism, and above all to restore the defects of the representation. Do these things, and we would be in the year 1793 again. Against this result the Reform Bill is our principal breakwater. See, accordingly, the different feelings with which the two last French Revolutions have been received by people here. The first was hailed by every British Reformer; but this was in 1830, when Reform was still resisted as in itself an ultimate evil; and at that time French Monarchy was to be preserved. The second is not hailed by any rational man; on the contrary, it is deplored and laughed at. And why? Because the Monarchy is trodden down; and with this the constitutional correction of British abuses gives no rational man any sympathy.

I am glad I am not a Continental king. What a fright they must be in. Twice within eighteen years have the sovereigns of France been chased out of the country, and the prostration of the Monarch before the mob, and the absconding even of Metternich, show how speedily the hint is taken at Vienna. The Muscovite does not feel it yet, but his day is coming.

6th April 1848. Edinburgh has made another narrow escape. These abominable railways had a bill the other day in Parliament to enable them to appropriate and destroy the whole valley east of the Mound.

The Town-Council by *a majority*, and about *half-a-dozen* (!) individuals opposed this. The people as usual were dumb or favourable; but Providence has made William Gibson-Craig a Lord of the Treasury, and with his never-failing sense he saw the project in its right light, and has baffled it. Edinburgh owes this salvation almost entirely to his energy and judgment.*

21st May 1848. After two months' more experience, I adhere to my statement about the general attachment of the fed classes to our Monarchy and institutions. Since then there has been some violence, and a good deal of extravagance, not only in pauperised England and mad Ireland, but in peaceable Scotland. One outbreak last March in Glasgow, when a political mob suddenly became a rush of pillagers, and

* "Treasury, 25th March 1848. My dear Lord Cockburn. —Like other powers that have been despotic, the railway has struck. The agents were with me this morning, and as I would listen to nothing but an unconditional surrender, they have just sent me a letter in which they 'undertake, on behalf of the Company, that if the Treasury will abstain from opposing the second reading of the bill, clause 14' (the clause repealing the Acts), 'and such other parts of the bill as propose to confer on the Company any additional powers relative to Princes Street Gardens, Edinburgh shall be expunged from the bill in committee.' I shall send this letter down to the Board of Trustees, to be preserved along with the Treasury minute; in case, after I leave this Board, they require again to apply for its interference.—Yours most sincerely, W. Gibson-Craig."

rifled shops, and for an hour or two had possession of some of the principal streets, was the most alarming thing of the kind that has occurred in my memory in this country; and there has been a good deal of sedition raved by and for the Chartists in all our large towns. But on the whole, deducting rebellious beggars, the revolutionary blaze of the Continent has as yet had a good domestic effect here.

Yet certainly that man must be very blind who does not see the shadow of the popular tree is enlarging and darkening; and he must see well who can tell us what its fruit will be. Chartism has superseded Radicalism, and draws the whole starving discontent of the country in its train. It is far more a matter of food than of principle. Extension of the franchise is the phrase, but division of property is the object or the expected result; and with a manufacturing population, that is a population of which about a half is always hungry, and the passions of this hunger always excited by political delusion, it is not easy to see how wealth and sense are to keep their feet. The next century will solve this problem, and a few more. Will experience and education change human nature, and men become wise and good? Or shall we go on in this perpetual swelter? Or will manufactures be given up, and the pastoral-poetry state be recurred to? Or will they retire from our blighted fields and ruined cities? Or will slavery, with the master's right of the domestic

sword, be restored? Or will life, without a capacity to maintain itself, be made a capital offence? Or human productiveness be controlled by physical checks on fecundity? Or population be fitted to the means of subsistence by a regulated system of infanticide, to be executed as a piece of sanitary police by public officers, under the direction of the Registrar of Births and Deaths? Meanwhile, as many passengers as choose are allowed to crowd the vessel, and to eat each other.

I have great faith in Malthus' voluntary and preventive check where it gets fair play; but it gets no fair play among an uneducated population, brutified by ages of ignorance; or in districts so populous and undivided that all ties of neighbourhood are obliterated; or in a country where charity and dependence, instead of being regulated, have been exchanged for a system which makes every pauper a creditor and the law his debtor; or where an individual may, without security, collect 5000 weavers, and then leave them all to the parish; or where every beggar has a champion in Parliament, and the pauperism of every parish and workhouse is made an affair of State or of faction; or where every place which a right system redeems is liable to be blasted by invasions of strong villains, both British and Irish, who never heard that there was any cause for their poverty except the injustice of their superiors, or any remedy for it but discontent and violence. I despair of ever seeing Lanarkshire a

Malthusian garden; and, therefore, I still more despair of ever seeing it much better than it is.

The Chartists have this spring added a new point to their charter, of a more mischievous tendency than perhaps even they are aware of. After introducing universal suffrage, they propose to divide the electors by the number of the elected, and to allot the members to proportionate districts of constituencies, without regard to any consideration except numbers. It is very probable that this new point of their compass will be the one they will henceforth steer upon, because its results are—first, that all the members must be of the same class; secondly, that the higher orders of electors must everywhere be swamped by the lowest.

11th June 1848. Sir Thomas Dick Lauder died on the 29th of last month—an event which clouds many of the sunniest scenes of the last half of my life. His dying deserves to be remembered, for it reconciles one to the act. He was of great mental and bodily activity, and combined a good deal of thought and a strong infusion of rational piety with habits of hilarious enjoyment. About eighteen months ago he was attacked by some internal malady, which produced excessive weakness, and very frequently great pain, and never for a moment departed. It might have

been anticipated that such an illness must sink or irritate a spirit so gay, and one so unpractised in sickness. But he battled it bravely and quietly, and never in the full tide of health was so gentle, affectionate, and serene, as while life was ebbing. No fretfulness, or murmuring, or impatience, or despondency; a desire to live, but no horror of dying; a kind and cheerful sofa or bedside enjoyment of friends; an interest in his garden, deepened by the improbability of his ever seeing his flowers bloom again; a little business, and his own pleasure of slight literary composition. Tait's Magazine has been enriched for above a year by a series of articles on the rivers of Scotland—articles not so deep certainly as some of our rivers, but not so shallow as others, and as pleasing as the best of them. These papers do not contain one gloomy thought, but are all as bright and as fresh with nature as if they had proceeded from a vigorous enthusiast, glowing from the very scenes, but softening his exuberance of enjoyment by occasional tenderness of reflection. They were all composed on his deathbed. No wonder that Jeffrey told him on one of his visits that he had come "to take a lesson." It was really "an *exercise* of holy dying"—a scene which philosophers and Christians might have contemplated and been improved by. Nothing in his amiable life raised him so much in the respect and esteem of his friends as the graceful resignation of his tedious, and obviously hopeless, decline.

18th September 1848. Besides two or three other good Scotch statutes which passed during the session that has at last closed, there is one of deeper influence on property than perhaps any legislative Act since the year 1685. I refer to the recent Act (11 and 12 Vic., c. 36) for regulating, and conditionally for abolishing, entails. Its exact consequences cannot be foreseen. Some predict the extinction of great families, the degradation of the nobility, the vulgarising of the landed aristocracy, and a permanent decline in the value of land owing to the quantity that will be always coming into the market. But these, though possibly sound, being the opinions chiefly of the solvent lairds, are not the opinions of many. The opposite anticipations are that the dignity of the titled landed aristocracy will be raised; that this effect will be produced immediately, by emancipating it from its present creditors, and ultimately by training it to those habits of prudence which alone can henceforth save estates from disappearing by the action of this statute; that though the value of land may fall by more of it being brought into the market, the value of what is now entailed can only rise to its true worth by being liable to be sold; and that if the old system had gone on much longer, all the absurdities and evils would have been realised that are involved in the idea of a country with its *whole soil* excluded from commerce and from settlement. These are the notions of the majority; and they are

ardently supported by all who are anxious, on political grounds, for the decline of large houses.

Probably both are wrong, and both right, to a certain extent. No doubt many an old family, and many an ambitious preparation for a new one, will vanish. Much land will change owners. But this won't happen so soon as is supposed; nor will it happen all at once; and the sub-division will probably create a greater number of people with landed feelings than now exists. The great improvement will consist in the obliteration of those distressed and humiliating Esquires of great places, whose rural grandeur is entirely nominal, and who, with sounding titles, are known hereditary bankrupts. Some of these, owing to the want of consents, may drown on; but their own comfort, joined to the power given by the new law to creditors, will induce many heirs rather to be the true owners of a little, than the holders for creditors of a great deal. So that, on the whole, though some of our old fixed stars may disappear, our sky may still sparkle by a due number of moving ones.

But the favourite Perpetuity dreams of our forefathers are at an end. The powers of the recent statute may sometimes be allowed to sleep; and some entails may be maintained in spite of the Act, as some estates have been long preserved without entails. But this is no longer *certain*, and certainty was the charm. Not

only big feudal lords, but every petty tradesman who had converted the till into acres, used to live and to die proudly complacent in the undisturbed conviction that eternity was but a type of his entail. Every entailer and every heir now knows that at the very best his greatest security is not greater than the pleasure of the heir in possession and certain consenters. A single atom of his long projected line can sometimes, and four atoms can always, shiver his whole destination. They may not do it. But they may. Blunders, and legal slips, and judicial crotchets did not disturb him; for he did not anticipate that the shaft, though he knew it was in the air, would strike his well-considered deed. But he now knows that the seeds of many statutory deaths are in his very system. He cannot invent a scheme without putting this condition into it, that one, or four unworthy insects, may dissolve his whole vision.

This revolution was scarcely opposed. There were two or three faint whispers about Innovation and Nobility; but they were unheard amidst the cry for relief. The only real objection proceeded from those who complained that the measure was not half vigorous. Lord Campbell, who had the charge of it in the Lords, tells me that Lord Aberdeen observed to him, "*It is my Act that has made yours.*" And well might he say so. For the Act, called Lord Aberdeen's, was a statute which enabled each heir in possession to quarter

his family on the next heir to the extent of two-thirds of the clear rents. Suppose a person succeeding to an entailed estate of £3000 a-year, that person stood out to society as a three-thousand pounder. But, alas, he had first to pay the public burdens; then the interest of real debt; then real provisions; and then after, and over and above all this, he was liable to be so burdened by his predecessor that it was his interest to escape by giving up two-thirds of the rent that remained, beyond which the screw could not be applied. Applied so far, it reduced the man of £3000 a-year, with all its duties, to a man of £500 or £600 a-year. Lord Aberdeen had no cunning eye to the destruction of our entail system. On the contrary, he meant to support it. But his *Relief*, as it was termed, proved fatal. It was bad enough that, under the old law, every individual was allowed to lock up whatever land he had in perpetuity. But when to this it was added that even those who succeeded to this land could never enjoy above one-third of its produce, the bubble burst.

The new remedy, be it good or bad, is entirely Rutherfurd's. I am not aware that any other Lord-Advocate has ever entitled his name to be so exclusively connected with so important a measure. The abolition of the Heritable Jurisdictions and the Reform of the Representation, were measures by Government —not solely nor chiefly by the Lord Advocate.

24th October 1848. The Duke of Argyle has published a book, of his own composing, on the History of the Church of Scotland, being probably the only Scotch Duke who ever did so. Whatever other vanities our nobility may have had, that of authorship has not been one of them. So far as I can recollect, the publications by our whole Peerage, eldest sons included, within the last fifty years, amount only to — 1, this ducal volume; 2, a Letter, by Lord Ancrum, on Cavalry Arms and Accoutrements;* 3, some good pamphlets by the Earl of Selkirk;† 4, a pamphlet on the Scotch Peerage, by Lord Kinnaird;‡ 5, various works by the Earl of Lauderdale, chiefly on Political Economy, and on India;§ 6, an Enquiry into the Principles of Beauty in Greek Architecture, by the Earl of Aberdeen;‖ 7, the Lives of the Lindsays, Christian Art, and Progression by Antagonism, by Lord Lindsay; 8, a pamphlet by Lord Archibald Hamilton in 1804, entitled "Thoughts on the formation of the late and present Administrations."

* Dealt with by Brougham in "Edinburgh Review," No. 2.

† On Emigration, "Edinburgh Review," vol. vii.; on National Defence, "Edinburgh Review," vol. xii.; on Parliamentary Reform, "Edinburgh Review," vol. xiv.; and perhaps something else.

‡ "Edinburgh Review," vol. xliv.

§ Also dealt with by Brougham, "Edinburgh Review," vol. iv. The reviewed answered by a pamphlet, to which the delighted critic replied in the same way—a laughing and savage production.

‖ "Edinburgh Review," vol. xxxviii.

It is not improbable that David, Earl of Buchan, and the Earl of Dundonald, may have published something, but if they did it must have been very slight, for I have found no trace of it. These noble productions, though not numerous, appear to me (with the exceptions of Lord Ancrum's "Accoutrements," which are silly, and Lord Lindsay's "Progression," which is incomprehensible) to be extremely respectable. I don't see that our Peerage need blush for its authorship.

. Nor for anything else, except for two things, which are scarcely its fault—its poverty and its political dependence. As to both of these, it is peculiarly and very hardly placed. In England nobility is not graced by title or antiquity alone. New creations keep it connected with modern achievement, modern acquisition, and modern measures. None of these infuse one drop of fresh blood into the Peerage of Scotland. We sometimes hear it boasted that the Crown cannot make a Scotch Peer. Whether it can or not, it never does; and this one circumstance is sufficient to depress the whole order, especially since it is combined with the exclusion of all our Peers from the House of Commons, and of all of them, except sixteen, from the House of Lords, and with even the sixteen retaining their positions in the Upper House only during the Parliament for which they are elected—which makes them dependent for the privilege, which is the great ambition of the body, on the Government

of the day. These peculiarities first tend to run our old unrenewable Peerage to its dregs, and then to prevent these dregs from being freshened. Accordingly, it is only the inoculation of British Peerages that, by removing some of these depressions, saves the Peerage of Scotland. There may be exceptions, but in general it seems to be a fact, and to be felt as one, that a Scotch Peerage *alone* does not enable the holder to perform the public duties of an independent nobleman.

As an aristocracy of rank our Scotch Peerage is also sunk by the penury with which so much of it is sprinkled. It is adorned by some great fortunes and splendid estates, but too many of its members are sadly poor. It is only on recollecting the depressing tendencies of these circumstances that the merit of the present Peerage of Scotland is perceived. For though containing only about eighty-one individuals, one of whom is a lady, there are at present at least twelve who hold, or have recently held, places of such high public importance that they can never be even offered except to men of known eminence; and at least twenty more, who, exclusive of honorary offices and naval and military rank, are respected and looked up to on account of the lead which they take in general or local public affairs. The twelve include one Foreign Secretary, one Governor-General of India, one Governor of Jamaica and Canada, one of Madras, and one Lord-Lieutenant of Ireland. The twenty include several

great estates, all *resided on*, considerable political influence, and respectable pursuits and character. On the whole, it is at present a very respectable body, at least as much so as any other class of the community.

8th November 1848. After eight months of this retreat (Bonaly) I re-settle in town to-morrow for the winter. As usual, my last rural act of the season was to plant the hyacinths that are to brighten me in spring. This has been (near Edinburgh) a comfortless, wet, and stormy season, with early encroachments of winter. We have already had a week of hard frost, and at this moment the ground is covered with its second snow.

I shall join the Court with two forebodings. One is that the day is not far off when some fierce smash will shiver the Supreme Court. The business, which has been long gradually and steadily sinking, has fallen so low that it will not be easy to convince Government or Parliament that thirteen judges are necessary, especially as it can be plausibly said that the whole business may be done by one Court. This certainly can't be said truly; but it may be said plausibly enough to satisfy Parliament; and I fear that some rude hand will on some sudden day quash all niceties, and save salaries.

I am always baffled to account for the steady, and apparently progressive, diminution of new causes.

The diminution of *business* is not so difficult to be explained, because formerly a cause, though always going, was never done. There were such streams of litigation through the fields of the Admiralty Court and the Consistorial Court, and at every stage of the Sheriff-Courts, and of all inferior Courts, and then such gushes through the ultimate Session domain, in the form of Hearings, and Representations, and Reclaiming Petitions, and Memorials, and Written Proofs, and Remits, all nearly unlimited in number, that the true wonder was how a cause ever ended at all. One lawsuit in those days almost entitled a counsel to marry. Many of these golden torrents are now dried up entirely, and all of them are greatly lessened. I doubt if there be now one-tenth of the proceedings that were possible in every case thirty years ago. It is the lessening the number of new Court of Session causes that I cannot account for, considering that our forms, though bad, are better than they were; that, upon the whole, there probably never were so many excellent judges on the bench at the same time; and that, in point of practical handiness, both bench and bar are greatly above their predecessors of the older race.

It is sometimes attempted to be explained by saying that people have become too wise to go to law, and that the Sheriff-Courts are so improved that they can serve the whole country. The people's anti-foren-

sic wisdom is visionary. Their number, their wealth, their transactions, and consequently their disputes, increase yearly, as the records of all Courts, except the Court of Session, and perhaps the Justices of Peace, show. The Sheriff-Courts are certainly very much improved in comparison with the old Sheriff-Courts. They are now *Courts.* The absence of counsel generally, and of Court of Session fees, makes them cheaper than the Court of Session. They have the great, though delusive, advantage of being near the party's door, and—which is of more consequence—near the door of the local agent. Present cheapness is felt, and the after-birth of an appeal to Edinburgh is not at first thought of. Still, however, the weight of the Supreme Court, and avoiding the provincial stage, are so important, that were it not for our purse-emptying and time-exhausting forms, it is to the metropolis that the great legal current would tend.

The Committee of Judges (of whom the Justice-Clerk Hope and I were the most active) framed as complete a new system as was possible without a Statute last session, and the rest of the Court agreed to it with greater unanimity than I ever knew prevail among them on such a matter. But "The Bodies" flew up in arms, and exclaimed against the whole project, on grounds which implied that in their opinion everything was quite right. The solicitors were the least bigoted—the advocates the most so. The Judges,

aware of the hopelessness of their forcing good medicine down a resisting corporate throat, gave the scheme up, but told the Lord-Advocate that a Statute was indispensable. So we stand now. If the procedure be corrected effectually and speedily, the Court has a chance: if not, half or the whole of it will be quashed.

And besides the probable injurious tendency of this on the best system of law in Europe, it would be lamentable on more important accounts for Scotland. For since the annihilation of our separate Parliament, the law has been the great field of our native practical talent. What would Scotland have been since the Union without the Court of Session? The old tassels of our monarchy, though ludicrous to an unmonarchical, and odious to an economical age, tended, but certainly with gross political corruption, to rear a surface of literary gentlemen. These tassels have been cut away. Then the rich fringes of our judicial establishment, more productive of solid ability, were pared down to an extent that was felt by every young man thinking of his profession. And if now our supreme judges are to sit in London, or are to be reduced to so small a number that there are not respectable prizes to allure and maintain a first-rate bar, not only must the administration of justice be lowered, but the profession the most intimately connected with literature and public discussion must be narrowed and cooled into insignificance. The Church

is now no high sphere: medicine has no connection with public life: our colleges are too poor to create for themselves the talent or learning which they cannot pay: the law is the only solid market for home-employed, public, practical power. Accordingly, ever since the Union, the Parliament House has been the great native scene for Scotch ability and learning, and speaking and patriotism; and a brilliant scene it has been. Do even I not remember on the floor of that House, at the same time, Henry Erskine, Blair, John Clerk, Gillies, Malcolm Laing, Archibald Fletcher, "The Mighty,"* David Hume, George Joseph Bell, Brougham, Horner, Walter Scott, Thomas Thomson, Cranstoun, Jeffrey, Moncreiff, and many others who, though scarcely worth naming amidst such a galaxy, would be thought stars of great magnitude now. To the lawyer that scene gave fees and honours; to the studious, books and leisure; to the idle, an intellectual club; to the gay, fun; to the partisan his faction; to all talk, society, friendship, and excitement. Even already there is a chill shade over this once splendid Temple of Justice. If the sun be not speedily recalled, there is not a town or a parish, and scarcely a gentleman's family, in Scotland that will not suffer by the degradation or extinction of a theatre which for ages has excited and rewarded the ambition of their ablest youth.

* Charles Hay, Lord Newton ("Memorials," 1st portion, p. 223.)—Ed.

My other alarm is about our system for the poor. We shall probably have to determine this session whether relief must be given as a matter of right, first to the children of the able-bodied but unemployed, and then to the able-bodied but unemployed themselves. Tremendous problems for good or for evil! My prediction is that the claim of the children will succeed, that of the adults probably; and if they do, their results are inevitable. First, a large increase in the number of those to be relieved. It will no longer do to support "the lame and impotent puir:" every individual, rural or urban, out of work must be fed, clad, and housed by the public, *as of right.* Secondly, both as receptacles and as tests, workhouses must disfigure the whole land, reminding the payer of his necessity, and the receiver of his right. Third, the old public relief-hating spirit, so useful and so honourable to Scotland, already impaired by our recent poor-law, must soon be extinguished.* The more I see of the new system the more am I satisfied of the superiority of our old one, if properly worked.

11th December 1848. The Glasgow students have again defeated the Professors, and made Macaulay their Rector. This required them to turn

* 8th March 1849. My prediction has failed. A great majority of the whole Judges have decided that the law of Scotland provides no legal relief by assessment, either to the able-

out Colonel Mure of Caldwell at the end of his first year; but this was because, as they believed, his friends had done the same thing to Lord John Russell the year before. But Lord John was most deservedly dismissed, because, after accepting, he never came to be installed. Mure was a very fit Rector—a gentleman, and a scholar. The choice of Macaulay is another proof of the spirit and judgment of boys in their perceptions of academical merit. He will distance us all at the oration. And the blaze of his history, of which the two first volumes were published last week, will be a worthy herald of the "Rector magnificus." The first edition of these two volumes, costing £1 : 12s., and each containing above 700 pages, and the edition being 3000 copies, was all sold in one day—or indeed rather in six hours. Did history ever make such a flash? Romance, even in the hands of Scott, never did.

Yet neither are so curious as the steady, *selling*, lustre of Alison's "History of Europe." I am assured by a person who certainly ought to know, that including the current new edition, the author has already realised £20,000 by that work. There seems to be no satiating the public with it. Huge in its

bodied or to their children — a merciful judgment for the country: but it will probably be reviewed by English judges steeped in their old system; and if they adhere, our system will be fortunate if it escapes being Anglified in Parliament.

bulk though it be, it has been translated into every European language, and even into *Arabic.** America devours it. A separate and by no means cheap Atlas, constructed solely for this one work, has a great sale. (Price above £3.) From ten thick volumes, with which it began, it has been "*popularised*" in its seventh edition into twenty less thick; and this *cheap* one is selling beyond all the rest, though at the price of £6; and it has been "*epitomised*" at the price of 7s. for children. Besides his £20,000, I do not believe that any Scotch author ever received so many "Testimonials" in the form of pieces of plate, many of them from unknown hands. Yet it is the fashion of some people of high taste to sneer at this book. It has certainly great defects, and can never be a classical work. It is encumbered by tedious disquisitions on matters not pertinent to his proper subject, and on which his opinions are poor. But the narrative, though sometimes heavily copious, is in general spirited; the columns are seen actually moving, and the sound of the guns is heard, and the smell of the powder is felt, in his battles; there is often a glow of natural, though sometimes perhaps rather declamatory, eloquence; his characters of individuals are always candid; his public opinions, though occasionally perverted and haunted by a childish hor-

* I have this from Alison himself. The translator is a learned Arabian, living in Malta.

ror of change, are uniformly patriotic in their objects; his knowledge of his subject is as accurate as historical knowledge derived almost entirely from books and records can ever be; and he has shown his self-thinking independence by resolutely defending his own views against the most formidable authority.* These are great excellences. But it is the magic of Napoleon's story that sustains him. No account of anything that Napoleon said or did can, it seems, ever be dull. It is the romance of the man's life, from his lieutenancy to his iniquitous captivity on the rock, that animates this otherwise ponderous work. But the book that tells this tale in such a way as to make it, loaded as it is with so much heavy matter, so extensively and so steadily popular, *must* have very considerable merit.

Alison himself is a most excellent man—honourable, warm-hearted and friendly, disinterested, and public-spirited; one whom, notwithstanding a little amiable weakness, at which people sometimes smile, it is impossible not to love. He deals in too many things, and in some of them does not deal well. This most gentle of human creatures has a strong taste for war; and this has made him write a military history of Marlborough: yet it is a bad book. His political

* For example, he won't retract the statement that Wellington was surprised at Waterloo, in spite of all that Wellington's highest authorities can say.

economy, with which he has meddled largely, is rarely sound. And the legal department of his head is curiously illogical. Nevertheless, in everything except in pure law, he makes an excellent Sheriff of Glasgow, where his benevolence, activity, and patriotism are public blessings. With his virtues, his magistracy, his historical renown, and a facility of oration which every good cause can always command, no wonder that he is the Sun of the West! and the West was never before cheered by such a resident sun!

20th December 1848. After an interval of above twenty-eight years we have had the trial of another case of sedition—that of Grant, Ranken, and Hamilton.*

In some respects the times are not very unlike those of 1793 and 1794. Besides the chronic sedition that adheres naturally to the practice of the constitution, considerable masses of the people were this year under a violent attack of the acute complaint. This access was chiefly brought on by continental contagion. What the French call a Republic had been recently set up in their country; every throne in Europe had been shaken or overturned by popular convulsion; Ireland was in rebellion; there was great mercantile distress in Britain; professional demagogues had not neglected the occasion; and these various excitements

* Shaw's Just. Cases, 1848-1852, p. 17, etc.—Ed.

brought out those called Chartists not only into seditious oratory, but into displays of treasonable organisation. These circumstances crowded the English courts with political prisoners, but as only four* individuals were prosecuted in Scotland, it at least cannot be said there was any eagerness in resorting to the terrors of the law. The language charged as criminal was not only plainly seditious, but by far the most seditious that had ever been charged against any Scotch prisoner.

The Lord Advocate being unwell, it fell to James Craufurd,† advocate-depute, to address the jury for the prosecution. It was the best speech ever delivered to a jury, for the Crown, in a Scotch trial for sedition. It was able, fair, and temperate; strong for a conviction, but liberally constitutional in public principle; and above all it was superior to the paltriness of inflaming instead of allaying any prejudices the jury might be supposed to be under the influence of. It formerly constituted sedition, and proved it, that the prisoner had advocated universal suffrage and annual parliaments. But the doctrine of the public prosecutor now is—"With respect to these political doctrines of the Chartists, let me explicitly avow that they are well entitled to

* James Cumming, who was indicted at the same time as Grant, Ranken, and Hamilton, was ultimately not tried.—ED.

† Now Lord Ardmillan.—ED.

hold these opinions, to express and promulgate these opinions, and to associate in order to maintain and advance them by all legitimate means—by addresses to the Crown, petitions to Parliament, public meetings orderly conducted, argument, intreaty, and remonstrance. They are entitled by all constitutional means to carry out their political object. This is not a prosecution for opinion."

The jury acquitted Grant, and found Ranken and Hamilton guilty of only part of the crimes charged. They were sentenced to imprisonment for four months. The prosecution, though to a great extent it failed, was useful. It implied and proclaimed that to form, or attempt to form, a national guard, or any military organisation, was criminal. The proceedings were conducted both by the prosecutor and the Court most liberally towards the prisoners, and the mildness of the sentence deprived them of all sympathy.

If any one who had heard the trials of 1793 and 1794, and had then left the country, had come back and been present at this trial, it would not have been easy to convince him that he was again among the same people. He would probably not have observed much difference either in the kind or in the degree of the mistimed political extravagance with which the prisoners were charged, and which they represented. Its phrases, and some of its particular objects, might have struck him as new; but, on the whole, he would

have seen one of the common struggles between order and disorder, which are apt to break out when the real freedom the people enjoy excites the ambitious and discontented to seek more than the subsistence of society can allow. But the total change in the tone and air of the public, and far more of the Court, would have amazed and pleased him. The people had gained great reforms and a vast increase of power. Proscription, consequently, for political offences, was at an end. A far better instructed attachment to the constitution, including even its monarchy, was combined with infinitely greater political toleration. An improved mode of returning the whole jury by the sheriff made them consist of all varieties of opinion. The presiding judge no longer picked. It was a trial. The convict ship did not darken its close. No part of the scene would have impressed him so much with the feeling of novelty as the speeches, each of which, including the judge's charge, seemed determined to exceed the other in popularity of doctrine.

Margarot* was the only one of those early sedition prisoners of 1793 and 1794 whom I saw. I was sitting one day in Swanston's Writing School, which was on the third or fourth floor of a house on the south side of the High Street, opposite the Cross, when I observed a crowd coming out of the Parlia-

* Maurice Margarot, tried 13th January 1794. ("State Trials," vol. xxiii.)

ment Close, following a little, black, middle aged man, who was put into a coach, from which the people instantly proceeded to take off the horses. Several of us boys ran down the stair, and heard that it was Margarot, whose name was familiar to us, though we understood nothing of his story except that he was one of the "Friends of the People"—a title terrible in our ears, and was to be sent to Botany Bay. This, I think, was on the Monday before his trial actually took place. But as he had gone into the Parliament House (on the morning of Skirving's trial, I suppose), and was seen coming out again from a place from which no seditious prisoner was supposed to have any chance of escaping, the cry had arisen that he had been let off, and some of the populace drew him in triumph to his lodgings in the Black Bull, near the head of Leith Walk. I ran alongside the carriage, and when I could get near enough, thought it excellent entertainment to give an occasional haul, for which I afterwards got as severe and serious a rebuke from the Lord Advocate as if I had committed some base immorality; although my horror of the Friends of the People, like that of all boys, sons of the gentry, was fully equal to his own.

In about a week Margarot came from the Black Bull to be tried, attended by a procession of the populace and his Convention friends, with banners, and what was called a Tree of Liberty. This tree was in

the shape of the letter M, about twenty feet high and ten wide. The honour of bearing it up, by carrying the two upright poles, was assigned to two eminent Conventionalists, and the little culprit walked beneath a circular placard, at the centre of the figure, which proclaimed Liberty and Equality,' etc. I was looking out of a window of the Post-office, which was then the northmost house on the west side of the North Bridge. I think I see the scene yet. The whole North Bridge, from the Tron Church to the Register Office, was at first quite empty, not a single creature venturing on the vacant space. The Post-office and the adjoining houses had been secretly filled with constables, and sailors from a frigate in the Roads. As soon as the Tree which led the van emerged from Leith Street, and appeared at the north end of the Bridge, Provost Elder and the Magistrates issued from some place they had retired to and appeared, all robed, at the south end, with the city officers behind, and probably a hundred loyal gentlemen in the rear. The two parties advanced steadily towards each other, and in perfect silence, till they met about the Post-office. The Provost stepped forward a pace, so that he almost touched the front line of the rebels, when, advancing his cane, he commanded them to retire. This order would probably not have been obeyed; at any rate it could not have been obeyed speedily from the crowd behind. However, without waiting one instant to see whether

they would retire or not, the houses vomited forth their contents, and in almost two minutes the Tree was demolished and thrown over the Bridge, the street covered with the knocked-down, the accused dragged towards the bar, and the insurrection was over.

The popular idol in this scene was a little dark creature, dressed in black, with silk stockings and white metal buttons, something like one's idea of a puny Frenchman — a most impudent and provoking body. His sentence was fourteen years' transportation. He was the only one of his companions in misfortune who ever saw Britain again. He returned about 1810; and in 1812 he was examined before a Committee of the House of Commons on Transportation. His account of the state of the colony at that period, and the fact that to bring himself, a wife, and a servant home cost about £450, tend to assist our ideas of the nature of the punishment inflicted on these men. He revisited Edinburgh; and was surprised to find his friend Braxfield and all his other judges dead, and all his jurors either dead or not to be found, except one, to whom he gave a supper. But by this time the juryman had become a Whig, and the convict a Tory.

CHAPTER XVI.

1849-1852.

12TH MAY 1849. On the 8th instant that large body of Dissenters, the "United Presbyterian Synod," passed a resolution prohibiting their probationers and ministers from *reading* their discourses in the pulpit, unless where, upon cause shown, leave might be obtained from the Presbytery. This was carried by (I think) 165 against 121—the minority, however, not by any means all approving of read sermons, but only thinking that no new law was required, and that, though a few ministers read, the evil, such as it was, was not extensive, and the exceptions convenient.

It is scarcely possible to doubt that if it be learning, or reason, or taste that are to be considered, reading, instead of being proscribed, ought to be enjoined; and this even in reference to religious instruction and emotion; but still this vote is deeply embedded in the habits of my countrymen. Their great and original notion is that, in communicating the sacred message, the preacher must give forth the

inspiration that he feels. Everything savouring of preparation, therefore, seems tainted by art and the world; and the very composure, which is the principal charm of deliberate forethought, is unsatisfactory and even offensive to those who delight in that excitement which is kindled, as they think, by instant contact with the altar. These feelings have always been strengthened by the collateral aid of party spirit. The cooler clergy of Episcopacy and of Established Presbytery have generally sneered at this spontaneous enthusiasm, and of course their opponents have courted popularity by cultivating it. Hence to read a sermon has always been one of the recognised marks of lukewarmness; and, accordingly, even the ministers who are well known to read always disguise the fact as well as they can. I have very seldom seen a Presbyterian preacher who had courage to stand up and read his sermon *openly and avowedly*, as he would read a book. He makes his paper as like his Bible as he can, slips it into the place where his text lies, and reads it by stealth; or, which is more common, he first writes it and then commits it to memory, and then gets up into the pulpit and gives it out under the pretence that it is all extemporary. This, though the most prevalent, is the worst way of all, for it produces none of the good effects of either of the two opposite plans of honest reading or of honest speaking—neither the meditation and correctness of written

composition, nor the impressive fulness of speech freely suggested at the moment. It is mere recitation, which is very generally exaggerated by the forced vehemence by which the reciter tries to give effect to his exhibition.

I have never known a truly extemporary preacher. I suppose they exist; but almost every one of the good preachers I have known have read their sermons. This was the practice with Struthers, Principal Hill, Dr. Inglis, Andrew Thomson, and Chalmers. They read with more or less disguise, but with them all it was mere reading, actual and understood; and with the Episcopal clergymen the usage is nearly universal and avowed. Except Chalmers, whose glowing vehemence carried people's minds off their legs, I have never known a Scotch preacher who could prevent his hearers from discovering that he was merely evading their dislike to writing by having committed his composition to his memory. He is invariably too fluent and too correct. He would deceive the people better if he would sometimes stutter and lose himself and get aground. They would give him credit for all the rest being made on the spot; but it is only a self-possessed and ready hand that can venture on an experiment which the very habit of reciting tends to disqualify him from performing dexterously. The best calm sermon I have heard was one preached in Edinburgh by Sydney

Smith. It was a defence, upon grounds of mere reason and expediency, of the institution of death; the particular object being to show that the present brevity of life was best suited to the other circumstances of our condition. He held the MS. in his hand, and read it exactly as an ordinary reader holds and reads from a printed book; but the thoughts had been so well considered, the composition was so proper, and the reading so quiet and impressive, that I doubt if there were a dozen dry eyes or unpalpitating hearts in the church; and every sentiment, and many of the expressions, and the whole scope and pathos of the discourse, are still fresh upon my mind at the distance of many years. If he had been a Presbyterian he would never have seen his congregation again; and "the United" would have rebuked, if not deposed, him. Their recent interdiction is thoroughly Scotch, but it excludes them from the admiration of the judicious.

9th July 1849. Art is still advancing in Scotland. Its progress, indeed, is one of the most striking and pleasing facts in our current history. Its true advance is not seen, because Scotland, as usual, is robbed of its eminence by London. Many a bright feather would be plucked from England's wing were the Scotch part of its plumage withdrawn. Among our resident native artists there are four of whom we are justly proud,—

Thomas Duncan, Watson-Gordon, John Steell, and Noel Paton. Duncan, who died about three or four years ago, had obtained, by the force of his own merit, the unasked honour of being elected a member of the Royal Academy of London. His great work, in his historical walk, was the entry of Charles Stuart into Holyrood; and, like all talent after it hits the right vein, he was improving rapidly. He came from Perth. Gordon, an Edinburgh man, is perhaps the best living portrait painter in Britain; and Steell, also from Edinburgh, if not the best living sculptor, has few superior who can be named. Paton is only about twenty-five; but a delicate pencil and a beautiful fancy already warrant us in predicting that he must soon reach the pinnacle of his art. His most original productions, as yet, have been some wild and delightful realisations of the fairy scenes of the *Midsummer Nights' Dream*. He, too, tried to become a Londoner; but, thank God, his health withered in that roaring furnace, and he has returned to what he thinks the paradise of his native Dunfermline. Duncan was, and his three survivors are, of the greatest personal worth and dignity of conduct; their lives, unlike those of too many great artists, giving nothing to friends to lament or to palliate.

27th September 1849. At the North Circuit, this autumn, except a most atrocious case of murder at

Aberdeen, the most memorable thing was a case of rioting and deforcement, etc., at Inverness, against four poor respectable men who had been active in resisting a Highland clearing in North Uist. The popular feeling is so strong against these (as I think necessary, but) odious operations, that I was afraid of an acquittal, which would have been unjust and mischievous. On the other hand, even the law has no sympathy with the exercise of legal rights in a cruel way. The jury solved the difficulty by first convicting by a majority, and then adding this written, and therefore well considered, recommendation—"the jury unanimously recommend the pannels to the utmost leniency and mercy of the Court, in consideration of the cruel, though it may be legal, proceedings adopted in ejecting the whole people of Solas from their houses and crops without the prospect of shelter, or a footing in their fatherland, or even the means of expatriating them to a foreign one." That statement will ring all over the country. We shall not soon cease to hear of this calm and judicial censure of incredible but proved facts. For it was established, 1st, that warrants of ejectment had been issued against about sixty tenants, being nearly the whole tenantry in the district of Solas, and comprehending probably three hundred persons—warrants which the agents of the owner had certainly a right to demand, and the Sheriff was bound to grant; 2d, that the people had

sown, and were entitled to reap their crops; 3d, that there were no houses provided for them to take shelter in—no poor-house, no ship. They had nothing but the bare ground, or rather the hard, wet beach to lie down upon. It was said, or rather insinuated, that "arrangements" had been made for them; and, in particular, that a ship *was to have been* soon on the coast. But, in the meantime, the hereditary roofs were to be pulled down, and the mother and her children had only the shore to sleep on—fireless, foodless, hopeless. Resistance was surely not unnatural; and it was very slight.

I am sorry for the owner, whose name, he being the landlord, was used; but who personally was quite innocent. He was in the hands of his creditors, and they of their factor. But the landlord will get all the abuse. The slightness of the punishment—four months' imprisonment—will probably abate the public fury.

Again I have visited charming Deeside; and I think more of it than ever. The whole sixty miles from Aberdeen to Braemar are noble. The fear that it is going to be too agricultural is dissipated on reaching Banchory. The character of a wild, though cultivated valley, is gradually increased as you go on—the valley narrowing, the corn-bright haughs lessening, the hills getting more into each other's company, the

Scotch fir maintaining a more equal battle with the birch; till at last, on approaching Castleton, it is all pure, striking, Highland scenery. The profusion of birch is beautiful; and of good old birch, with thick, honest, rough stems, such as I thought were only to be seen along Loch-ness, and weeping—not like poor contemptible solitary things cultivated just in order to weep in a garden, but pouring and waving miles of tears, as if they thought the Dee could not flow without them. And the Scotch fir—profuse, dark, large, with arms tossed about, as if defying even the oak, and looking as eternal as the rocks they have taken possession of. It is a glorious frith of wood. The hills are seldom, if ever, peaky; but their massiveness is grand, and they disclose the truth of the great extent of their region.

25th October 1849. If, as seems probable, publishing a pamphlet be one of the signs of insanity, I am mad, because I published one about ten days ago. It is in the form of a "*Letter to the Lord Provost on the best ways of spoiling the beauty of Edinburgh.*" If any man doubts our dangers, let him read that letter.* It has at least excited attention, and may do some practical good.

* A Letter to the Lord Provost on the best ways of spoiling the beauty of Edinburgh, by Lord Cockburn. A. and C. Black, 1849. See Appendix.—ED.

2d November 1849. Yesterday I took my seat for the first time at the Board of Trustees. I might have been one of them long ago had I chosen. That board, misled by one or two, has hitherto contrived to be on bad terms with the artists. An attempt is now being made to introduce a better spirit, for the promotion of which some artists and some of their known friends have been made trustees. May the marriage prove comfortable.

20th January 1850. Patrick Tytler, the author of the latest and fullest History of Scotland, and of other historical works, died last December. Though duly appreciating Hailes, he was not one of his idolators, and therefore Thomas Thomson, the pupil of Hailes, and undoubtedly our best antiquarian censor, turns up his fastidious nose at him. But in spite of this high authority, I agree with those who hold Tytler to be the best narrator of our ancient national transactions. He has been cleverly and severely examined in a small volume, originally published in the "North British Review," but not till after the failure of Tytler's health made it impossible for him to answer his critic, so that it is impossible for one who, like me, only sees the surface, and this but dimly, to say who is right. But my general impression is that, deducting the superior gracefulness of Principal Robertson's style, Tytler is our best Scotch historian. He goes

through a longer and deeper course than any of them, in a style that is clear and agreeable, and with views of characters and events that are always judicious and candid. The State Paper office gave him advantages not accessible to any of his predecessors in their day. The fear always is, that each succeeding digger may extract refutations, to nearly any extent, out of this mine. His lives of Raleigh, the Scottish Worthies, etc., are executed in his prevailing spirit of intelligence and sense. Personally he was excellent—exemplary in every relation, studious, kind, and lively. There could not be a more attached friend or a more agreeable companion. Nor were his graver pursuits the worse of his good songs, sung sweetly by himself.

But, after all, and doing due honour to the painfully minute, can there be a more comfortable history of Scotland than the one that Scott calls his "Tales of a Grandfather." Too concise and too rapid for those who wish everything both searched and told to the dregs, it nevertheless selects all the interesting scenes and characters, and gives clear accounts of them in easy natural words, and with a most satisfactory reasonableness. After all the wrangling, details, and one-sided authorities, and eager theories, and mutual contempt of our common historical combatants, what a refreshment are the sparing mercies and judicious results of Sir Walter, introducing everything known and worth knowing, and disposing of each in a few

pages or paragraphs of common sense. How should we have prized such a Greek work on Greece.

I went yesterday to see the house believed to have been John Knox's, under restoration. An attempt has been carrying on, for nearly a year, to get it removed as dangerous, which before the Dean of Guild was always successful. A public subscription to keep it up has saved it, without any material change in its air or composition. I could scarcely keep my pen off the subject when I was writing the late pamphlet, but there was then a chance of its getting into Court, and I thought it right to abstain.*

* The following excellent letter from Scotchmen resident in London is worth preserving:—

"*To the Lord Provost of Edinburgh.*

London, June 28, 1849.

"My Lord—We, the undersigned, inhabitants of London and natives of Scotland, having heard with no less surprise than sorrow that it is in contemplation to destroy the most valuable monument now existing in Edinburgh of that great man by whom our spiritual liberty was realised, deem it necessary in this public manner to protest against a measure so fraught with injury to the dearest recollections which time and religion equally concur in hallowing, and which are now about to be violated in the demolition of that house and hearth which once sheltered our immortal reformer, John Knox, and which constitutes an object no less remarkable for picturesque beauty than venerable from antique association. It is with no common feelings of anxiety that we address ourselves, my Lord, to you on this momentous

27th January 1850. Jeffrey died yesterday evening. He was in Court on Tuesday the 22d, apparently well, and in full mental activity. On Wednesday he stayed at home from cold, but was not thought seriously ill even on Thursday or Friday; but yesterday morning he was pronounced to be in great danger from fever, and about six at night he passed away gently and tranquilly.

occasion. Your Lordship's known and expressed veneration for those monuments which adorn the city of Edinburgh, and the interest you have already taken in this particular question, induce us to hope that this application will not be in vain, and that your Lordship will use every endeavour, consistent with the position you so well fill, to prevent an outrage, of which the future historian will be compelled to record that whilst in Antwerp the house of Rubens, in Nuremberg that of Albert Durer, in Florence that of Dante, and in Venice that of Titian, have all been spared—in Edinburgh, the house of the greatest man Scotland ever produced has been pulled down, in a spirit which might disgrace a Goth or a Vandal.

"That your Lordship will use the influence so judiciously confided to your care in asserting the honour and real interest of the city of Edinburgh, by thwarting so sacrilegious a violation of the national character, is, my Lord, the earnest hope and humble prayer of, my Lord,

"Your Lordship's most humble and obedient servants and fellow-countrymen,

(Signed) "ANDREW URE, M.D., F.R.S., etc.
"WILLIAM BEATTIE, M.D., etc.
"ROBERT THORBURN, A.R.A.
"DAVID ROBERTS, R.A.
"R. S. LAUDER, R.S.A.
"ALEXANDER URE, F.R.C.S."

5th February 1850. He was buried on the 31st of January in the Dean Cemetery, one of his favourite walks. Many efforts were made for a public funeral, but it was very properly kept strictly private. It was a sad, sad day.

Not even in the case of Chalmers was there ever more deep and universal sorrow over a large place. It is not the decent grief with which the death of an eminent fellow-citizen is generally treated, nor saddened admiration of great powers extinguished; but real sorrow from personal love of the deceased; and it pervades all classes without distinction. This is very honourable to him and to others; because his position as a leading Reformer, and employing ridicule and scorn as well as argument in the cause, exposed him for about thirty years to great prejudice; and his critical laurels were constantly reddened by the ire of angry authors and their friends. But his virtues never failed to disarm and to attract. The people of Edinburgh seem not to have been aware how much they loved him. Many a child will remember last week. They do not understand it now, but they see and hear, and in their old age they will tell that no grief in their day is like the grief they recollect for Lord Jeffrey.

After many years' more experience I adhere to my opinion that, head and heart included, his was the finest nature I have ever known. Would that I could

describe it; but mental portrait cannot be painted by words; at least I cannot do it. It is easy to say that in him intuitive quickness of intellect was combined with almost unerring soundness, and the highest condition of the reasoning powers with the richest embellishments of fancy—that his moral taste was so elevated and so pure, that life with all its interests and honours, contained nothing that could be ever felt as a temptation—that his love lapped others so naturally in its generous folds that, though passing his whole manhood in strenuous political and literary warfare, his mind was probably never chilled by a harsh emotion, even towards those he was trying to overpower; but that this was by no means the passive amiableness of a merely soft heart, but was the positive kindness of a strong, resolute man, glowing in all the conflicts of the world, and with a gaiety so habitual, that while he seemed to be rarely out of sunshine he never let its playfulness interfere with any claim of charity or duty. But what is all this when it is said! Though true, and touching most of his peculiarities, it gives no more idea than a statue does of a living man.

What he did is more easily told. He came into action as a reformer at a very dark period. Mackintosh states it as a very reasonable doubt whether, about the beginning of the century, Europe was not likely to relapse into barbarism. The Continent was

already sunk in military despotism; and in this country terror not unnaturally made the possessors of power imagine that good order could only be preserved by the stern defence of the feelings of the generation that was going out, against the changes which it was obvious that the generation that was coming on would require. The tendency, therefore, if not the rule, was to discourage freedom of discussion, and to repress popularity in all institutions, all principles, all opinions, all public habits. The prostration of political spirit, which was the result of this policy, had deeply affected the press. The respectable portion of it had become lethargic; the disrespectable, wild. There was no printed voice that addressed the public understanding fearlessly but legally, practically but intelligently. Periodical criticism had never flourished: but any one who wishes to know how low it had sunk has only to select the very best portions of it he can find prior to the "Edinburgh Review," and then read the first number of that journal.

Its first flash electrified the country; and for many years the excitement was renewed by every publication. Power awoke to alarm and indignation; the people, to knowledge and hope. The character of public discussion and thought was first changed here, and gradually over the civilised world. Criticism, not of books merely, but of measures, and principles, and men, became a walk in the highest

rank of original composition; and it created the talent which it rewarded. It was a new power. It may be conceded, without materially impairing its glory, that in wielding it many mistakes, both particular and general, were committed. What else could be expected in a work embracing every possible matter, and conducted by a variety of persons, under all the liabilities of error implied in vehement party spirit? But still its value may be determined by the fact that there are few, if any, of the subsequent triumphs of public reason but what must be ascribed to the championship of this journal. What we have been reaping in most of the departments of speculation and of policy is chiefly the crop which it has been sowing. He had powerful associates in this magnificent work of guiding the opinions of the advancing age; but without his control the elements could neither have been kept together nor directed. Jeffrey was the "Review." With this torch he led on mankind, and effected one of the few quiet revolutions of reason that history records. And amidst all the contributions by the ablest men of the age, Jeffrey's own stand out distinguished by wisdom, taste, spirit, and matchless felicity of style.

His success as a barrister, though slow at first, was at last steadily splendid, not so much in the line of mere law as in that of general talent, varied eloquence, and spotless honour.

The local nature of the House of Commons taste will always be fatal to any one who is doomed to encounter it at the age of threescore; but history will connect his name with the Scotch Parliamentary and Burgh Reform Bills, though history cannot explain the full degree of his merit in the preparation and piloting of these great measures.

As a judge, except in the single point of speaking too much, he was above all praise. Quick but patient, candid, polite, and legally intelligent, he was the delight of the whole Court. With the Lord President (Boyle), Fullerton, and Mackenzie on the bench with him, it would not be true to say that the excellency of his Court was owing solely to him; but unquestionably, in spite of his admirable brethren, his absence would have prevented it from being what it was—the best Court that Scotland probably ever saw.

As a member of society he could not have been improved. He was our sun.

There were four men who in my time have made Scotland illustrious—Dugald Stewart, Walter Scott, Thomas Chalmers, and Francis Jeffrey. The last of them is now gone, and I fear we have no great man among us.

Jeffrey's was a happy life. He chose the most difficult spheres in which talent could be exerted, and excelled in them all. He rose, by his own merits and by always taking sound views of practical life, from

obscurity and dependence to affluence and renown. His temperament was cheerful, and his health generally good. His head had become grizzly gray, and his countenance dark pale, but his eye retained its brilliancy, and his lip its energy unquenched, and his step was light and springy, and well-walked to the last. He reached the age of seventy-seven; and after being at his Court on the Tuesday, he died at home next Saturday evening without pain, and in such entire possession of his faculties that, within a few hours of his departure, he dictated a long and singular letter, giving a striking description of his feebleness and probable expiring feelings. What better does this life yield? It is a dulled life, however, for us who survive.

7th February 1850. We held a meeting of about fifty or sixty friends and admirers of all parties today, and launched the scheme of a public memorial. It will probably be a statue.

13th February 1850. Thomas Maitland took his seat in Court to-day as Jeffrey's successor, on which fact I have just three remarks to make—first, Maitland, Fullerton, and I, are married to three sisters. Were there ever three brothers-in-law on the bench before at the same time? Second, he will make an excellent judge. Third, I hope he will be the last

who will have the infirmity of changing his own name and taking that of his clods on mounting the judgment-seat. He is henceforth to be called *Dundrennan* —nonsense! There never was a time when Scotch judges did not carry to the bench the names *by which they were previously known.* To be sure they anciently took the names of their estates, because in feudal and half-feudal ages they all had estates, and every man was known even in private life by his territorial title, and not by his Christian and surname. But when there might be a good lawyer without an estate, these unlanded men on their promotion, kept their own true name. So far back as sixty years ago, we had Craig, Cullen, Abercromby, and Swinton, who did so; and after these, even landed men got sensible, and saw the folly of miscalling themselves as soon as they became judges. There is only one judge now on the bench, besides Dundrennan, who has not kept his personal name after the judicial Lord, though there are several who have land to have enabled them to have sunk their true titles under the titles of their estates if they had been so minded. The honoured name of Jeffrey might have been lost under that of Lord Clermiston. The modern apology is that, if the personal name had been retained, the title of some nobleman might have been interfered with. There is no Lord Maitland in the Lauderdale family at present, but there may be one; and if there should, his nose

might be offended by Lord Maitland the judge—what nonsense!

Maitland has been succeeded as Solicitor-General by James Moncreiff, of whom I confidently augur all good. He is able professionally; an excellent speaker; an intelligent and powerful writer; and a high-minded, honourable man, and of a capital breed. When his father was rejected in 1805 for the office of Procurator of the Church in favour of John Connell, one of the reasons given was that he was "*a bird of a foul nest*"—meaning that he was a son of the Whig Sir Henry. This one's nest is still fouler, for to the filth of the grandfather is added the steady abominations of Lord Moncreiff the father.

8th March 1850. Alas! alas! how the leaves fall when the autumn of one's friendships has begun. Sir James Gibson-Craig died two days ago, aged above eighty-five. The last time I saw him was about three weeks ago, at a meeting of the Committee for Jeffrey's monument. He was ill only a few days, during which he had little suffering, and died with his family around him, in affection and tranquillity, full of years and of honours—his brain utterly cloudless, and his heart as warm as it was in his youth. It was a death that left nothing to be regretted, unless it be that man is mortal.

This breaks one of the few remaining cables that

connected the public affairs of the passing generation with those of the former one. He was the last of the gallant old Edinburgh party who stood out for freedom during the perilous times.

14th March 1850. He was buried privately, on the 11th, in that beautiful and retired resting-place, selected at the west end of his shrubbery for his own family. His excellent wife was the first who was laid there about twelve or fifteen years ago, and he has been the next. It was a beautiful day, and the procession, moving along the long straight turf walk lined by trees and ever-greened on each side, was singularly impressive—especially to me, contrasted as it was with the many interesting talks that he and I have had on that terrace. We were scarcely ever there, since Lady Craig died, without his turning down to the left, when we got to the west point of the walk, and thus getting to the spot where she lay. He always stood a few seconds in silence, and then came away; and we resumed our dialogue, naturally and gratefully.

Yet, though garden and domestic graves be beautiful, I doubt their wisdom. When they hold those only who, like ripe fruit, have fallen in the fulness of their days, they may derive a charm from safe and adorned seclusion, and they may bestow one; but when hearts are broken by the calamity, I have never

seen any use in prolonging the pain by permanently connecting the visible memorials of the dead with the everyday occupations of the living. To be sure, anything is better than a *common* churchyard. But graveyards, at least in the country, might be made so as to attract and soothe, instead of repelling and horrifying affection. The best thing would be a private cemetery *connected* with the family residence, but not so intimately as to prevent tears from ever drying. This seems to be the natural feeling; because, wherever the dead are inurned too near the living, distance comes to be produced by an instinctive avoidance, except occasionally, of the scene of their repose. Sorrow, which is the result of most deaths, and cheerfulness, which is the necessity of most lives, cannot be mixed. A state of even pensive tenderness, though grateful and inspiring occasionally, is inconsistent with what real life requires, if it be the true prevailing habit.

30th December 1850. Nine injudicious friends of mine decided yesterday against the opinion of six sensible men, that the memorial of Jeffrey, instead of being an open-air erection, shall be a statue, buried in the Outer-House.

For Jeffrey's sake both are immaterial. The true object was to exhibit something which might remind the people of that man—something that might inspire

a youth anticipating his career, by showing him what a person in the lower rank may rise to by industry, cultivation, and principle. The buildings on the Calton Hill make thousands think of Hume, Stewart, Playfair, and Burns. What has the statue of Duncan Forbes done for him? Westminster Abbey, by the usage of ages, is both sacred and public; but even St. Paul's, which has no such usage, is cold and private. After a single year, even the people of Edinburgh will know little of this Outer-House figure.

22d May 1851. Lord Moncreiff died on the 30th of March last; and now bad health has compelled Lord Mackenzie to resign.

During the twenty-one years Moncreiff was on the civil and criminal benches, he performed all his duties admirably. Law-learning and law-reasoning, industry, honesty, and high-minded purity, could do no more for any judge. For many years we have gone circuit together, and I have been privy to all his private official feelings and views; and after forty years of unbroken friendship it is a pleasure to record my love of the man, and my admiration of his character.

Lord Mackenzie's retirement is universally mourned. Since he came on the bench, twenty-nine years ago, he has made a great rise in every way, as a judge and in society. As a puisne judge he was perfect—industrious, patient, learned, and ingenious. No cause was

too low for his anxiety, or too high for his reaching; and even his awkward grotesque manner, though it would have greatly obstructed his acting as the chief, made him more popular in a position where he only represented himself. A weak, awkward, and apparently timid manner, with a sandy purblind look, gave him an outward appearance almost directly the reverse of the real man; for beneath this external air of helplessness there works an acute, resolute, and original understanding, combined with great intelligence and a very amiable heart. Not very practical, and devoid of all tact, he seems to be constantly engaged with his own speculations, the intrepidity of which make an exact converse with the feebleness of his manner. As a companion he is delightful—full of talk and odd views; very kind and childishly natural—the merriest of grave men.

July 1851. Robert, the second Viscount Melville, has gone. After holding high offices, and performing their duties well, he retired from public life about twenty years ago, and has ever since resided quietly at Melville Castle. But though withdrawing from London and its great functions, he did not renounce usefulness, but entered into every Edinburgh work in which it could be employed with respectability. He was at the head of the Scotch Prison Board—a very active member of the Board of Trustees—did the

whole county business—and the friends of every useful measure deemed themselves safe if they could only get him to engage in it. He deserved this unanimous public trust by plain manners, great industry, excellent temper, sound sense, and singular fairness. There could not possibly be a better man of business. Though bred in the bad school of old Scotch Toryism, and not a bad scholar in it while that school was uppermost, his chief merit is that, as it went down, he neither got sulky nor desperate, but let his mind partake freely of the improvement of feeling which its decline implied. He stuck to his old politics and his old political friends to the last, but not in their greater follies; and in candour and liberality became as good a Whig as a Tory can be. There is a talk of a statue to him, and no man, distinguished by no splendour of talent or of public service, ever deserved it better. Is the great house of Arniston to end with him? It has been the greatest house in Scotland in that greatness which depends neither on rank nor on fortune, but on talent and public situation, for the last two centuries, or at least for the last century and a half.

2d December 1851. There are few things more common, or I think more sad, than the frustration of hope implied in the scattering of a private library. All collectors of books wish and expect to leave them

as monuments of their taste, and they go on adding volume to volume, each with its portion of their delight, in the faith that they while they live, and those by whom they are succeeded, will enjoy and be proud of the accumulated treasures. Yet, in Edinburgh at least, the pleasure of collecting seems to be the only pleasure that collectors are destined to enjoy. Glenlee, I understand, made a sort of entail of his library by a strange but effective trust, so that his heirs cannot sell, having only the use of it. This has saved his library *as yet*, but with this exception, all the considerable Edinburgh collections have been dissipated by the hammer of the auctioneer. Thomas Thomson's, so rich in history, went first. Then Macvey Napier's, small, but very choice, in moroccoed literature. Next Kirkpatrick Sharpe's, which is announced, composed chiefly of antiquarian oddities. A few days ago that of a strange person called Turnbull, gorgeous in local histories, went; and in a few days more that of my friend Thomas Maitland (the late Lord Dundrennan) will be separated into its atoms. His, to my taste, was the best of them all, consisting of above 5000 of the most readable volumes, in the most beautiful order. And there was Principal Lee's, loaded with historical and chiefly Scotch varieties, but all in abominable condition. I could name some more that must one day be sacrificed, one very fine one in particular. Scott's made the narrowest possible escape.

On the whole, the result of these collections seems to be that the ambition of having and of leaving a library is only for rich men. The misfortune is that the collector seems always to buy dearer than he sells; and it is discovered by his heirs that the books yield no interest, and that they are easily sent off to the auction room. Pity; for the making of a library is one of the greatest and most rational luxuries, superior to that of making a collection of pictures, but inferior to that of making a "place"—the most creative, the most open-air, the most progressive of all enjoyments, connected with no jealousy or envy, useful for the country, and nearly certain in its results. Maitland's collection is a monument honourable to his taste and judgment.

17th January 1852. I learned yesterday from Adam Black, the Scotch publisher of the work, that 600 copies of the "Edinburgh Review" supplied the whole demands of Scotland—a fact not honourable to my countrymen; for in all essential things the "Review" is as good now as it was in what are called its best days. It maintains exactly the same principles; it has no overshadowing rival; and, on the subjects it treats of, it is superior to the public both in knowledge and in talent. But three things sink it: its novelty is over; its brilliant writers, and particularly Smith and Jeffrey, have disappeared; and the people,

instead of waiting to drink of its bright and quarterly fountain, are gorged from a thousand inferior streams. This is the fate of all long-continued publications. The "Quarterly," which is and has always been the sole competitor of the "Edinburgh," has now a much more extensive sale, but chiefly among Churchmen. It is greatly the inferior of the two, not the less so that it has long excited its readers by occasional articles of curious, but for a literary work, rather vulgar details. They are each far too long and too grave, qualities which are the less palatable, that this age, as various periodical works show, is more lively than the last one; and, though with fewer great individual lights, supplies as many subjects of public interest. The real cause of the decline of the "Edinburgh" is the absence of the old pens. Restore Smith, Jeffrey, Brougham, and Macaulay, and its supremacy in the formation of public opinion would return.

CHAPTER XVII.

1852-1854.

30TH JANUARY 1852. Lord John Russell's promise last session to introduce a new Reform Bill this session seemed for some months to have scarcely struck the public ear, but since the time for redeeming this pledge has begun to draw near, the Reform mud has been stirred in some large towns. A public meeting on the subject was held here on the 27th instant, but though held at an hour in the evening that enabled handicraftsmen to attend, it was a very poor affair. No great crowd—not one man of reputation or influence present—poor talk—and except in a desire for some change, no definite process or scheme,—a contrast to the old Edinburgh meetings. But the best of the old are dead, or benched, or retired; the old grievances have been redressed; consequently the old unity, and simplicity, and greatness of object have been superseded; and amidst its triumph the old Whig patriotism, concord, and moderation, less needed, have disappeared. The only Parliamentary reformers who think themselves consistent are the crazy

Chartists who, in spite of the examples of America and France, rave about supplanting the British Constitution by a senseless but instant Republic, in which they are all to be great men.

Nevertheless, though these people be too fast, I sometimes fear lest a Republic be our probable doom. We are under the most republican monarchy that ever existed already, and events seem to tend to efface the monarchical features, and to deepen the democratical. The Church, the peerage, the landed aristocracy, the ancient constitutional bulwarks, and the royal elements, no doubt present mighty dykes against the popular flood; but are they not overbalanced by the great rise of the people in numbers, in concentration, in wealth, in knowledge, and in all the other ingredients of political power, stimulated by a series of great successes over the most formidable opposition? This last inconvenient lesson could only have been avoided by the anticipating, or by the resisting, wisdom of strong Governments. But such Governments can scarcely exist in a really free country. Strong governments are very easy in Russia, but not where every measure implies a struggle of parties, each of which bids by competitions of concession for the favour of the people, who are the real depositories of power. It has become a fashion to profess a reliance on the miracles of education; but it is one delusion to suppose that knowledge is always

a match for passion and ambition; and it is another to believe that democracy can never appear to the eye of knowledge as the best form of government, even for this country.

So long as property, upon which our whole system has been always founded, shall continue to return the House of Commons, I shall not despair; but if the elective qualification shall ever be reduced so low that the property element is made merely nominal, and a greatly increased portion of that House shall be returned by mere population, I fear that our boasted constitution must soon sink into that democracy which seems to be the natural result of every government where the people have become politically free. I wish I could believe that any people who have obtained the means of engrossing supreme power can be induced by education to refrain from grasping it. In the struggle which I anticipate that the next generation, or the one after it, will witness between monarchy and democracy, accidents may give success for a while to either side. Mismanagement on the part of government, steering between fatal rocks, if taken advantage of by any powerful party, or even by a single great demagogue, who shall have the energy and eloquence of O'Connell, without his nonsense and with a better character, may give the throne an earlier shake than it need have suffered; and the steady pressure of the prevailing force operates and makes everything gravitate towards

the republican centre. It was the glory of the first Reform Bill that it not only avoided a revolutionary triumph of just discontent, but by giving its due influence to property, steadied the whole political system. Would that I could predict as hopefully of the second one. Age has not made me a Tory, but distaste of the monarchy, or of any of its props, was never a part of the Whiggism of my youth. If I were a Chartist I should wish the Tories to be in power, believing that I would get more from them, who know that they have a suspected character to work off, than from any Whigs, who can still safely resist popular extravagance. But distrust of both, as of all parties of public men, is one of the worst signs of the times.

This is not inconsistent with what I said in March 1848. In the first place, that was said four years ago; and four years do more now than forty or than four hundred did formerly. In the second place, there was no talk of a new Reform Bill then. Thirdly, the loyalty then displayed would, on a similar excitement, be displayed now. But this is quite consistent with the constantly increasing force of the under current, especially when acted upon by new Reform Bills every twenty years or less.

29th March 1852. The fall, a few weeks ago, of Lord John Russell's Government, has restored Toryism once more to power. The public results will

soon appear. Meanwhile Adam Anderson, Dean of the Faculty of Advocates, is Lord Advocate; and he has begun well in following Jeffrey's example, and resigning the Deanship of the Faculty instead of engrossing both offices.

John Marshall has been chosen Dean in his room—a very proper appointment. He came to the bar in 1818 under no patronage, except that of his own good sense and his power of working; and by these alone he is now at the head of the Faculty. He owes nothing to any accidental advantage. Politics have so little helped him that until he lately bought the estate of Curriehill, and was thus let into the meetings of the handful of lairds who call themselves the county of Midlothian, it was scarcely known that he was tainted with Toryism. Though well-informed, he is not graced by literature. He is as little of an orator as a speaking man can be; and though inwardly as cheerful as merited success, general esteem, and most excellent dispositions can make a reasonable person, his look, and air, and manner are dry, if not grim; insomuch that instead of having the attractions of accomplishment, he seems as if he had been born and compounded for the purpose of showing their uselessness. For his hard plainness and austere accuracy is softened by great worth. Honest, simple, and affectionate, he is much liked. Incapacity of display has compelled him to cultivate only the

weightier matters of the law, and these with a view not to their curiosities but to their practice. The result is, that with a total absence of all decoration, and of every power except reasoning, he has risen not only into extensive public employment, but into what is far more difficult, and a far deeper test of a lawyer's legal strength, large private consultation. This gives him great authority in Court, the weight of which he never diminishes by abusing it. Remarkably fair, his taste for candour is never disturbed by eagerness or the ambition of effect. Indeed, he cannot produce any effect except one. His speaking consists of a hard, black-iron kind of short, slow, exposition of severe reasoning, in very few and poor words, conveyed in a stiff compressed voice. All the show and rhetoric in him would not weigh one grain; and some of his brethren have been beyond him even in law. Rutherfurd was. But these persons have been so much more various in their powers, that their force seems smaller from dissipation. Within his line, Marshall, both to his brethren and to the Judges, is always a formidable pundit. If the Faculty wanted a rock, he was their man. The bar does not contain a better living type of the feudal system, or of professional sagacity and honour.

2d April 1852. The Earl of Eglinton has, within these few days, been made Lord Lieutenant of Ire-

land—a situation I cannot doubt that his talents and his manners will adorn. And his Grace of Argyle is going on; and if he lives, will certainly elevate his order. He is a very singular youth, studious, thoughtful, benevolent, and ambitious. Without the least forwardness, he is always ready both with the pen and the tongue. In matter, his writing is always deep, though not always clear. His speaking, which I have not yet heard, is talked of very favourably. He has addressed the House of Lords occasionally and well, but is known in Scotland chiefly as a platform speaker, a stage upon which any man of rank will be applauded, but to which this Duke is led by talent and kindness. His addresses about Ragged Schools, Mechanics' Institutions, and similar establishments for the improvement of the lower classes, do more to reconcile the ignorant to aristocracy than anything else can do. It is a proof of his sense that his political opinions, as I have heard himself say, are not yet formed. I should rather think him Conservatively inclined at present; but I anticipate his always being moderate and reasonable. His science may perhaps never be profound, though there is no saying what the society of scientific men and bodies, both of which he cultivates, may bring about. In March last he was installed as Chancellor of the University of St. Andrews, and seems to have made a very respectable address. His voice is loud, and his public man-

ner, unlike the modesty of his private manner, is described as confident, so that when he speaks even to the Peers a stranger might suppose that he was the master of the House. The only thing I cannot forgive him for is his small stature. What right has a Macallum More to be little, or not to be black? He is a yellow-haired laddie, but he fancies that this is the true family colour, and is proud of it. His countenance is very pleasing, and I rather think beautiful. Now, little Duke, become a great man, and justify my predictions by fulfilling them.

5th April 1852. After a fearful incubation of above three years, the House of Lords, that is Lord Truro and Lord Brougham, have affirmed our judgment about the able-bodied poor—a merciful escape for Scotland.

The House of Lords has given such general and just dissatisfaction as a Court of Appeal in Scotch causes ever since Eldon retired, that many loud complaints have been uttered, and many strong remedies have been proposed. Among others, the Faculty of Advocates in July 1851 approved of a report of a committee which they had appointed to consider what ought to be done. The report recommends that a peerage should always be held by a Scotch lawyer, who should assist as a Peer in the disposal of Scotch causes; and another committee was sent to London to

promote this scheme, but it is understood that they met with no encouragement. Their case was expounded in an able pamphlet, ascribed (I believe justly) to George Moir, advocate, entitled, "The Appellate Jurisdiction—Scotch Appeals. Edinburgh: Adam Black."

There are several formidable objections to this plan, but the two following seem to me unanswerable. First, the transplanted Scotchman *must* lose his Scotch law. Nothing oozes out of a man so fast as law. It is proposed to counteract this by making him keep his hand in at the Judicial Committee of the Privy Council, etc.; but besides the awkward position and reception of a man who is let into these places merely for training, the admission into his own mind of any foreign matter would only efface his native law the more; and even with this exercise he would be idle more than half his whole time. Secondly, Rutherfurd who, if the arrangement had been sanctioned while Lord John Russell was Minister, would have been the Scotch Law Peer, would have done very well, and so would Cranston; but a regular succession of such men is scarcely to be expected, and what security have we that the fittest persons will always be chosen? Those who would have been selected between 1800 and the present day would in general have been quite unworthy of a position which amounts to the Chancellorship of Scotland, without its securities and its removability.

The true remedy is to make the House of Lords do its duty, with the aid of a Scotch judge or two *when they are required.* These judges are only twelve hours off, and can be called in upon as short notice as the English judges are.

6th April 1852. On seeing, in the "Life of Lord Jeffrey," the importance recalled that was attached to the article on Cevallos when it first appeared in the "Edinburgh Review" (No. 25, article 14), Brougham claims that paper as his. But the truth is that his Lordship only wrote the first or second paragraphs, and that all the rest was by Jeffrey. Jeffrey told me so when I was going over the "Review" with him for the very purpose of identifying his articles; and this, though he was warned that it had been ascribed to Brougham. Empson asked Macaulay the other day if *he* had ever spoken of this famous article to Jeffrey, and the answer is,—"As to the article on Don Pedro Cevallos, I will tell you what Jeffrey told me in the drawing-room at Craigcrook. I spoke of Brougham as the author. Jeffrey said that almost the whole paper was his own, and that he should have printed it as his own in the collection, had it not been that a passage near the beginning was Brougham's. Jeffrey distinctly told me that the last pages were his own. I do not wonder that Brougham should claim them, for he never wrote or spoke anything approaching to

them in energy or eloquence. Indeed, I doubt whether any passage of such consummate excellence is to be found in any political tract or oration later than the speech of Demosthenes on the Crown."

8th June 1852. Several facts seem to justify us Whigs in our notion that the return of a Tory Government generally leads to retirements from the Scotch Bench, and the consequent promotion of expectant Tories. It has been so lately; for David Boyle surprised everybody by resigning his Presidency just before the Court met on the 20th ultimo for the summer session. But no jobbing can be imputed to him, because no connection of his has got anything by the proceeding; and after reaching the age of eighty, and having been a judge above forty years, he cannot be said to have dropped from the tree till he was fully ripe.

The pear, however, has unquestionably fallen on the wrong side of the hedge. No fair and intelligent person can avoid feeling that if honour had been done to whom honour was due, Rutherfurd would now have been Lord President. The merited fruit was within his grasp. If his party had continued in office a few weeks longer than they did, he would have clutched it. He takes the disappointment as a man of sense and spirit ought.

I have done what I could to get one thing that I

regretted corrected, but in vain; namely, the sinking of the title of Lord President. When Boyle became Lord Justice-General as well as Lord President, many of his friends urged him to keep up the old, revered, and well-known title, but he was tempted foolishly by the higher one, and concealed the weakness by saying that he had been so long known as *the Justice* (Clerk) that people would not know him as anything else. Duncan M'Neill, who has been appointed President in Boyle's place, has not even this poor apology; but in spite of his attention being called to the subject, he means to be known in society as "my Lord Justice-General." The consequence is that our children will wonder what President Forbes, President Dundas, and President Blair were. Their office, adorned by great names, and incorporated favourably into our national proceedings, will be obliterated from our history; and this to make way for a title which few understand, with which no respect is associated, which used not to be borne by a lawyer, and was only employed judicially when tyranny wanted its work to be done under a legal mask.

12th June 1852. The only material and striking fact in the late General Assemblies was a union between "the *Original* Seceders" and the Free Church. These Originals were small in number, but they were the pure stock of Ebenezer Erskine, having never been crossed

by Burgherism or anti-Burgherism; they stuck to the old creed in favour of an Establishment; and only seceded because our Establishment had ceased to be what they held to be the Church of Scotland. They now, after a separation of about 115 years, returned to this Church, which they find in the Free. They were warmly welcomed, but the motion for unity was only carried among themselves by a majority of one. What the minority mean to do I don't know. The junction is received as a striking homage to the principles which the Establishment once owned.

21st June 1852. On the 18th instant, Steell's equestrian statue of the Duke of Wellington was *inaugurated*, as it is now the fashion to call such proceedings—a pedantic and meaningless term. The ceremony was striking, from the masses of people perched on all our pinnacles, horse and foot soldiers—of whom the most interesting was a band of Waterloo pensioners, sundry processing bodies, chiefly those grotesque masons, and various lady-filled scaffolds. The cheers when the canvas dropped and disclosed the statue—running from the near to the distant streets, and ascending to the summit of the Calton, to the top of Scott's monument, to the tower of St. Giles's, and prolonged on innumerable picturesque heights, were very fine; and before they had ceased the guns of the castle roared; and scarcely had they

done their best, when the inspired thunder rolled also, and left us to disperse in silence, and under a short torrent of rain.

Some think that it is more a statue of a horse than of a man—a great mistake; but not an unnatural one, from the man being only visible above the horse in high action. I went twice to see it next day, and of all the groups of gazers I scarcely observed one person talking to his neighbours. This silence was the deepest homage. It is certainly a noble work. Is there a better modern statue of the heroic order in Europe? We are all proud of Steell, a son of Edinburgh.

And I rejoice in the multiplication of these sculptural and architectural monuments. This of Wellington is the first bronze statue that has been cast in Scotland. It was done chiefly by a Scotchman called Young, who was employed in this way by Chantrey. Poor fellow! He fell ill about a year ago, and said that he only wished to live long enough to see this statue erected. He did see it erected, and died about two days afterwards.

20th July 1852. On the 13th instant Edinburgh relieved itself of part of its disgrace in rejecting Macaulay in 1847 by choosing him now on the current general election; and it was done in circumstances honourable both to us and to him. He would

not formally stand. He made no application—solicited no vote—wrote or uttered no address. He never appeared. He merely said privately that if elected he would act; and under all the disadvantages of absence, and of active canvassing by four present opponents, he was at the top of the poll. The striking facts in this election seem to me to be—first, the prevalence and intensity of our bigotry. On the part of all the candidates, except Macaulay, it was chiefly a religious matter. Mr. Charles Cowan and Campbell of Monzie stood upon the Free Church alone; Mr. Duncan M'Laren upon the Dissenters; and Mr. Bruce, the Tory, on the Establishment; and with each of these the religious element was far more powerful than the political. Accordingly, there was all the bitterness of religious hostility. Secondly, the low ebb of our Toryism—marked not merely by the fewness of its professors, but by the dilution of its doctrines, and by its adherents, when they did not plump, voting for Cowan, the almost Radical Free Churchman, rather than for Macaulay, the Established Church Whig, because the last was powerful in Parliament—the former weak. Third, the still surviving strength of our local Whig party. In spite of all the Whigs who sacrificed their political to their sectarian principles, and these were not few, there were still 1872 of the old Whig faith.

A new phrase which was used all over the country

on this occasion shows how the wind is felt to be setting. There is no such thing as a Tory now. That term was shaded into Conservatism about the Reform Bill time, and now no one avows himself even a Conservative. He calls himself "*a Liberal* Conservative." One of Bruce's ardent supporters remarked to me on his way home from that candidate's first address, that the Toryism of that speech would have been good sedition in the days which he remembered of 1793.

4th October 1852. Thomas Thomson died at Shrub Hill, Leith Walk, on the 2d instant. I like all quiet releases. He was sitting comfortably by his fireside in the evening, when he just ceased to live. It was only by feeling his wrist, and ascertaining that the pulse had stopped, that his wife knew that he was gone. An enviable demission. He was eighty-four, and was getting into a state of bronchial suffering, which made his liberation merciful.

He was in many respects an admirable man; but besides being our most judicious antiquary, he ought to have been a great counsel and a great judge, which nothing but some silly habits prevented his being. It was not laziness, for he was always doing something; but an inveterate habit of delaying completion, combined with more fastidiousness of taste than a working man can ever indulge in. These infirmities haunted his whole life; yet it is surprising, on seeing his

achievements all set out, how much he did. His edition of the statutes is a great national work; but his leaving the first volume to be done by another hand was an intolerable folly. It was the most important volume—the most difficult—the last to be finished, and consequently the one that would have got his most matured powers; and he had reserved his deepest historical views for it. But he literally compelled Government to take it out of his hands, and to give it to another person. Bitter was his mortification at this, and strong his anger, and many a time did he vow to me that he would do it on his own account, and show them what they had lost; but of course this was never done.

Famous were the bachelor suppers of Thomas Thomson. He lived, as almost all my particular friends have done, in the west end of the New Town, chiefly in Castle Street, Charlotte Square, and George Street. With an admirable library, in which the parties were always held, a literary mind, great historical knowledge, considerable powers both of grave and of gay conversation, and a house open to every worthy stranger, and the habitual resort of the best Edinburgh people—with good wine and exquisite punch, plenty of business for dignity, and never in want of leisure for friends, he had all the elements of luxurious private society. Night was then his day; his house seemed never dark; his library lamp was

always outwatching the Bear; no castaway friend ever failed to have that Pharos of hospitality to steer upon.

8th November 1852. I think I have forgotten the weather for the last four years. All that I have to say about it now is, that England has been complaining all this year, and that Edinburgh and its neighbourhood, and I believe all Scotland, but certainly Edinburgh and its neighbourhood, has been most justly rejoicing. In spring Mrs. Cockburn, being unwell, was advised *to sit in the open air* a good deal, and she did so with pleasure all April and May, and was only driven in by the intense heat of summer, which was succeeded by an August and September realising all that the poetical imagination of Thomson ascribes to autumn. October was not all true to his character; but it was not till about his close that he began to get watery. The most remarkable and delightful fact was the unexampled *calmness* of the whole season. Our trees never had such an opportunity for vertical growth. For at least seven months Eolus never once got out of his cave; and of all the elements wind is the most vexatious. Rain and cold can be guarded against, but nothing can keep the rude hand of wind off; for, when it does not seize on one's body, it shakes every shelter, either of forests or of walls; or, if these defy it, it can always at least roar us into

discomfort. A deaf man in a dungeon is alone superior to it. Such another season cannot be expected to recur during the few years that at the best now remain for me; but this one will never depart from my memory.

6th April 1853. For the first time since the creation of the world, a Lord Advocate has delivered a popular lecture to a popular audience. This feat was performed on the evening of last Friday, 1st April, A.D. 1853, by the present Lord Advocate, James Moncreiff, in the hall of the Philosophical Institution of Edinburgh. And a very good discourse it seems to have been, consisting of a comparison, or rather contrast, of the first with the last half of the current century, politics and religion excluded.

The lecturing of the upper ranks to the lower is entirely of modern, and indeed of very recent, growth, and is a very useful novelty. It marks the desire of the people to receive knowledge, or at least to be excited by literary exhibition, and of the aristocracy to give it. It tends to unite all ranks agreeably. It prompts our high men to educate themselves. Any nobleman who had lectured publicly to the people fifty years ago would have been set down for an insidious politician. At a later period he would have been laughed at; and now he is respected. Besides many gentlemen and commoners who have done this

within these few years, it has been done by the following nobles — the Earl of Carlisle, Lord Brougham, Lord John Russell, the Duke of Argyle, the Earl of Ellesmere, Lord John Manners, Lord Mahon, and I daresay many others I do not know of. Of course it is liable to be done from vanity, or by unfit hands; but on the whole it has as yet been done from benevolence, and well, and it has greatly improved the feelings of the people towards the aristocracy.

30th May 1853. The only two things worth mentioning as to the last General Assemblies were these—1. Both of them acted foolishly in the matter of *College Tests*, which the Lord Advocate has a bill now in Parliament to mitigate. The Established stood stoutly out against all relaxation—crazy; but far more respectable than the Free, who declined interfering—paltry. 2. The old Moderate party is extinguished. It has been seen for many years by others, but it is now acknowledged and bemoaned by themselves. There were about twenty individuals of this faith in the Established Assembly this year, but, *as a party*, they could not make themselves audible. This obliteration of the once best-disciplined and most powerful body in this country is a curious event; and I am sorry for it, for as a minority they might have been useful sedatives. The time may come, however, when the reader of Scotch history may ask

what a *Moderate* was. My answer is that, speaking generally, he was a Tory in politics, and in religion not in the Scotch sense religious. But his Toryism had very little purely political in it. It began (speaking only of clergymen) by an early obsequiousness to an expectant patron, probably as a tutor in his family, or in that of some of his friends. After obtaining his living, in which the people were seldom thought of, and never consulted, he naturally subsided into an admiration of the system to which he owed his bread, and into a general sympathy with the opinions and objects of the lairds, and into a fixed horror of Dissenters and of the Wild, and of all who by popular zeal disturbed the slumber called his life. Thus his Toryism was not that of direct political principle or party, but a mere passive devotion to the gentry. But he was not necessarily irreligious. On the contrary, he might be, and often was, a truly pious man; but he had nothing of the Solemn League and Covenant about him, and his clay was perfectly impervious to the deep and fervid spirit which is the soul of modern religion. He had no personal dislike to the people, who always found kindness at the manse; but he had no taste for the people as desirous of either political or religious advancement. It was this that destroyed them. They believed that Principal Robertson was the Head of the Church, and under this belief were prostrate before Toryism, and cold, cold to all popular independ-

ence. In one respect alone most of them were greatly superior to their Wild brethren. Socially speaking, they were better fellows. They lived more with the gentry, and more in this world, and were more agreeable companions. On the whole they were a decently respectable clergy. Their only misfortune was that the people would not continue submissive to their rulers, and lukewarm in their religion, and that, except by being popular, their Church had nothing to stand upon, neither wealth, nor rank, nor learning, nor power. And so as a party they have evaporated. The structure which it cost Robertson so much trouble to rear, and his successors to preserve, founded on no rock, has crumbled into dust.

10th July 1853. We have all been surprised by a proclamation from a set of people of whose organised existence we have never heard, and who announce themselves as "the National Association for the Vindication of Scottish Rights." Eighty-six persons are named, with the Earl of Eglinton at their head, as those who are to carry the fiery cross over the land. The names are respectable, yet I have seldom seen greater nonsense.

There are three changes which a sensible Scotchman may naturally lament.

1st, The now almost complete abolition of every official thing connected with our ancient monarchy

and political state, which is not necessary for modern purposes. All the phylacteries of our royalty have been trimmed. We have lost nearly every paid office of dignity or show which had nothing but its antiquity and ancient Scotch nativity to defend it. This may be lamented; but it can scarcely be blamed. It is only with great caution that a wise man can say that public money should be given for what is not necessary for the public. Yet it is undoubtedly true that there are some things that are useful for the public, though not necessary, and the difficulty lies in distinguishing between these two. In some instances —such as in the recent abstraction of its last pittance from our Privy Seal, the contemptuous spirit has too much prevailed. But, on the whole, it has perhaps been as much restrained as the times allowed.

2d, The centralisation of everything in London. This has been carried quite far enough. For example, after transferring Scotch administration as familiarly into England as if Scotland was incapable of administering its own affairs, our Board of Northern Lights, the best and cheapest Board for this object in the world, and immeasurably beyond its English or Irish rivals, has of late had some narrow escapes from being sunk in the overgrown mass of the Trinity House of London. Our own "Gazette," too, was lately within an inch of being abolished in favour of the "London Gazette." Still, notwithstanding such exceptions, the

tendency of all Governments to bring subordinate power as near themselves as they can is natural, and, to a great extent, irresistible; so that it is in vain for what has become but a limb of the general body to attempt to retain all the authority that it used to possess when in a prior age it formed a body of its own.

3d, The occasional disregard, if not contempt, by England, of things dear to us, merely because they are not English. One, and a very serious example of this, consists in the superiority which is constantly claimed, especially from high places, for the law of England over the law of Scotland; and this even in the settlement of matters both of right and of policy, which ought to depend entirely on Scotch law. The House of Lords, both as a Senate and as a Court of Appeal, is deeply tainted with this vice. A direct attempt is making at this moment to assimilate the laws of the two countries by abolishing ours; and Brougham is said to abet this. If they were to adopt our law, the assimilation would certainly be for their advantage; but the attempt to swamp the most rational law in the world in the quagmire of a system, the absurdities of which it required the whole life of Bentham to expose, and which have since been attested by the sweepings away by innumerable committees and statutes, could not be even proposed, except under that bigotry which rarely fails to make Englishmen very unjust to everything not their own.

Our Solomon, King Jamie, tried to get the two kingdoms united just about a hundred years before the thing was actually effected. He seems to have tried to cajole each people into it by telling each that he would take care that the benefits should be all on its side. In his speech to his Parliament at Whitehall, 31st March 1607, he says,—"You have here all the great advantage by the Union. Is not here the personal residence of the King? His whole Court and family? Is not here the seat of justice and the fountain of Government? *Must they not be subjected to the laws of England, and so, with time, become but as Cumberland and Northumberland, and those other remote and northern shires?*" Jamie was nearer the truth than he fancied. Another century produced a union of kingdoms, and a century more effaced the deeper lineaments of national habits; and the century that is passing away has every chance of leaving Scotland but an English county.

As against these tendencies the regret and occasional anger of Scotchmen is by no means unnatural. I feel my own indignation often roused. But though particular examples may justify this, it is useless and wrong to attempt to resist the general current. These are the feelings of every small and once independent nation, with rights and habits of its own, that has been absorbed into a larger and more powerful country; and the regret or discontent are the deeper when, like

Scotland, the absorbed community has relics and a history of its own to which it still clings. Offensiveness in the manner, or in the extent, of the swamping ought to be blamed and checked; but it is in vain, and though practicable would be absurd, to prolong anything hurtful to the general interest of the empire, merely because it is either Scotch, or Irish, or English.

But this grand association informs us that we are degraded by intolerable wrongs, and talks of Bannockburn. Most of its grievances resolve into a claim for more public money. The badness of the post-office at Glasgow is a national grievance. So is the fact that the red coats of the Edinburgh letter-carriers are made in London. And the revenues that we send every year to England, amounting to nearly six millions of pounds sterling, is all spent on English objects (such as the army and navy); and while England has great Government docks, etc., Scotland has none. I wish them all success in their attempts to loose the public purse-strings, but I fear that their folly will rather throw discredit on the reasonable portion of our demands. The best part of their case, if they knew it, is furnished by the contrast between the large sums given, not merely to England, but to thankless and rebellious Ireland for literature and science, and the shabby allowances to Scotland for similar objects.

But it is not this that can preserve the memory of Old Scotland. It can only live in the character of the

people, in its native literature, and in its picturesque and delightful language. The gradual disappearance of the Scotch accent and dialect is a national calamity which not even this magniloquent association can arrest.

31st August 1853. The Scotch legislation of this last session has been important.

The Act 16th and 17th Victoria, chapter 80, applies the knife vigorously to the excision of off-shoots and excrescences on the practice of our Sheriff-courts, and simplifies their future proceedings. And for the present a scheme by the Sheriff-substitutes for abolishing the Office of Sheriff, and making them (the Substitutes) the great men of their shires, is quashed. This new-fangled idea had been broached and prepared with great concert and elaboration. It had been called for by no portion of the public, and had been recommended by no legal speculator. It was a mere conspiracy by the majors to cashier the colonels, and to take their commissions; but this concert having been well organised, and the cause having at least one resident agitator in every county, a considerable outcry was at last raised against "non-resident Sheriffs." Some shires and several towns were misled by an ignorant plausibility, which, of course, found defenders in Parliament. It required a great deal of explanation to make some people see the merit of that peculiarity

in our system, which does not merely permit but enjoins each chief local judge to abstain from living permanently within his jurisdiction, and to reside generally within the air of the supreme tribunal. But this principle was ultimately recognised by all judicious men. The opposite notion, namely—that it was possible to continue to obtain good law and pure justice from inferior judges, steeped in the ignorance and partialities of constant provincial residence, had at last scarcely the authority of a single person qualified to think on the subject. Having defeated this confederacy, the next thing was to improve our system of double Sheriffs. This has been done by abolishing some small sheriffdoms, and uniting them with adjoining counties; by an increase of salaries; by requiring the Sheriffs to do some more of the important business themselves, and by keeping the Substitutes to their proper places.

I anticipate, however, that the Substitutes will have influence to get the battle renewed. What they aim at is important for them, and their constant residence gives them influence with the restless and unwise. But they can never succeed without injuring the best system of local jurisdiction that exists. A good resident, independent, provincial judge cannot be. What forms good supreme judges? Considerable professional practice, high position, wise and watchful brethren to advise and to check, a vigorous bar, a jealous observance of the public, a responsibility to Parliament and

the Crown, great reputation or great disgrace, ignorance of who or what parties are. Remove these aids, and set our most accomplished and loftiest judges down into the obscurity of a constant residence within a county jurisdiction, how long would their judicial virtues survive?

But the triumph of the Session was the Act 16th and 17th Victoria, chapter 89, which at last abolishes our long-discussed University Tests. This piece of nonsense is at last at an end! The Established Church—the church of the minority—has no longer the monopoly of supplying Scotland with professors, and of insulting candidates it dislikes. Teachers are to be admitted to our colleges upon a general declaration, not of creed, but only that, whatever the creed may be, the professor will not convert his chair into a place for recommending it if it should happen not to be the creed of the Church; a declaration which no honest and sensible man can hesitate to make.

So here is the end of another old song. If it were possible to teach reason to bigotry, or forbearance to ecclesiastical power, this ought to do it. The Church has clung to this veto on science till the very last moment, and against the deliberate opinion of very nearly the whole country. Even on the 10th of this August, the Commission of the General Assembly raved and resolved to petition the peers to reject the bill, and the Queen to withhold her assent if the peers

should pass it. Principal Macfarlane came from Glasgow to tell his reverend brethren that "It was their duty, if they would live with fair fame on the records of their country, if they would lay down their heads in the grave with clear consciences, to testify against this most unparalleled aggression on the rights and privileges of the Church of Scotland." Yet within a few days of this folly and bluster, the bill is passed, and royally assented to, without the serious opposition of a single peer. Even Lord Aberdeen, the Prime Minister, a Scotchman, a Tory, and the Church's champion at the Disruption, and who as a College Commissioner had supported the test in 1830, saw his error, and took charge of the bill in the Lords. Indeed, the very churchmen are already saying that they are glad it is settled. Who hindered it from being settled long ago? They have made a most contemptible figure. But our colleges now breathe freely.

The Act 16th and 17th Victoria, chapter 94, removes obstacles to the working of Rutherfurd's Entail Statute, and improves the efficiency of that great measure.

The merit of getting this and other measures carried, is due to James Moncreiff, the Lord Advocate.

6th November 1853. Last Wednesday (the 2d instant) the Association for the Protection of Scottish Rights, after great preparation, held its first public

meeting here under the presidency of the Earl of Eglinton. In number it was respectable enough, but in nothing else. There has been seldom greater stuff spoken. The great cry was for more public money. They were not aware how much money Scotland has got within the last fifty years; but assuming it to have got too little, this is not a *national* grievance. Every part of the empire makes the same complaint. Politically, it seems that we have only two things to be angry at—the want of a Scotch secretary, and that we have only fifty-three representatives. I have long been of opinion that we ought to have a secretary, not for dignity, which is the Association's ground, but because the general Home Secretary need not understand our affairs or care for them, and because we can never rely on the sudden fitness of a mere professional lawyer, who happens to be made Lord Advocate, for this political duty. But considering the honest and plausible objections to this change, it is absurd to describe a refusal or even a delay as an intolerable and a national wrong. As to our getting more members, two things are curious—1st, that this complaint proceeded from those who did all they could to prevent us from getting even the fifty-three we have; 2d, That the increase was demanded, particularly by the chairman, solely on the Chartist principle that the whole representatives should be distributed according to squares of population.

It was all trash. But it is so pleasant to people to think themselves wronged, that the movement will go round for some little time, and according to the usual success of noise, some good may come of it. It will excite attention to our local needs and peculiarities. It is a just complaint, not of Scotland alone, but of all the empire, that too much is done for London, to the neglect of poorer places. I cannot see why the parks and police of the richest capital of the world should be paid for by general taxation, while all other places are left to pay for themselves. It is the insatiableness of the London maw that irritates its distant compulsory feeders. Our colleges (except perhaps Glasgow) are left scandalously poor. The condition of Holyrood is disgraceful; and there are, doubtless, a few other neglects that ought not to be persevered in; but these are not grounds for a new crusade.

The prolongation of Scotch peculiarities, especially of our language and habits, I do earnestly desire. An exact knowledge and feeling of what these have been since 1707 till now would be more curious five hundred years hence than a similar knowledge and feeling of the old Greeks. But the features and expression of a people cannot be perpetuated by legislative engraving. Nothing can prevent the gradual disappearance of local manners under the absorption and assimilation of a far larger, richer, and more powerful kindred and

adjoining kingdom. Burns and Scott have done more for the preservation of proper Scotland than could ever be accomplished by laws, statesmen, or associations. What can we retain if we cannot retain our very language? And how can we retain our language respectably after it has become vulgar in the ear of our native gentility; after scarcely a single Scotch nobleman will keep a house in a single Scotch town; and after our soil, and especially our Highlands, are passing rapidly into English hands? This is all very sad, but it is the natural course; and foolish associations, with their nonsense about Bannockburn and the Union, only hasten the progress by bringing the taste for averting it into discredit.

16th November 1853. We met for the winter session on the 12th, but with one rising and one setting judicial light quenched. Lord Anderson, after being on the bench only about a year, died last September; and Lord Fullerton, who was placed there in 1829, was compelled by bad health to resign a few days ago.

Anderson's personal amiableness and his official sense made him a great favourite, and everybody has been saddened by the unexpected close of his short career. It is Maitland's (Dundrennan's) case over again.

Fullerton is the last survivor of that remarkable

Court which was composed of himself, Boyle, Mackenzie, and Jeffrey. In judicial excellence he was inferior to none of them, and in some respects was superior to them all. His head was singularly logical, acute, clear, and sound. It never contained one particle of nonsense. Then his intelligence extended beyond law, for he was a good general scholar and a great reader; and no look, or air, or manner could be more elegant, pleasant, or gentlemanly. His written style was clear and forcible, and his opinions, when he wrote and read them, were perfect. But a hesitating utterance when he spoke off-hand always impaired the effect of his uncomposed address. He was the best surviving lawyer and judge on our bench. Nobody could avoid liking Fullerton, either professionally or in society. If he shall preserve some health, his many friends may be sure that repose, books, and affection will enable him to survive the step he has taken gracefully and happily. I saw him on the 12th for the first time since his retreat. Ceasing to make one of us, and on the first day of our meeting, with its ceremonies and interest, was enough to make any man sad; but he was immersed in Horace, beside a table of Greek and German books, and spoke, thoughtfully certainly, but with cheerfulness and good sense, of his new position; which in his case will be elevated by unobtrusive and liberal piety. How can the human sun set better?

The only material blunder of his life has consisted in his allowing his fine powers to evaporate in his profession and in society. With so clear an intellect and so much good reading, well thought of, and such a power of composition, no work by him could have been without permanent value. History would have been his line, particularly the history of opinions. Deficient, perhaps, in force and brilliancy in the narrative of actions, his luminous acuteness must have been eminently successful in the more difficult task of unfolding the nature and operation of moral and theological doctrines. And he always had an ambition of publication, and used to lament that he had never tried it. Yet, though firmly attached to the Whigs, and living constantly with the Edinburgh Reviewers, he never even contributed a single article to their work. He often resolved to do it, but his resolutions were always dissipated by the easier enjoyments of the passing hour.*

28th January 1854. On the 25th instant there was an important public meeting here on education. Lord Panmure was in the chair. It was composed of all sects except the Established Church, and there was so much speaking, that after exhausting the daylight, they had to adjourn, and return to the charge after dinner. Panmure's speech reads to me the best. But

* Lord Fullerton died 3d December 1853.

as they were all against the Establishment, and had no contradictors, unanimity precluded debate. It was a succession of prepared spoken essays—mostly as good as could be wished. The resolutions, which after anxious deliberation had been previously published as models for similar convocations, were long, complicated, and vague; and indeed one of the chief compounders had told me, when I said they were hazy, that this was just what they were meant to be, as the object was to make a general demonstration, without committing themselves more than was unavoidable. Accordingly, the meeting was precise on only two points.

One was, that the Established Church could no longer be entrusted with the charge of the public schools; the other, that in these schools secular and religious education should be combined. On all other matters—such as the substitutes for Presbyteries—the qualifications of schoolmasters—the subjects to be taught—the funds, etc. etc., the haze was thick, and perhaps wisely so.

Popular education, which is now the great and fermenting subject, is involved in no material difficulty *in itself.* Its difficulties arise, almost entirely, from religious repulsions. It is clear to my mind that keeping the popular education any longer in the hands of the Church is nonsense. The Church has not performed this duty even decently for above a hundred

years. Presbyteries naturally took the control when dissent was unknown, and there was nobody else to take it. But it never exercised it well; and now, when the Church is the minority, and yet naturally thinks itself the only truth, giving it the control is just excluding the majority from being taught. The expediency of chemically combining religious and secular education is not so clear. I am rather inclined to approve of it—*if it can be done;* and that on two grounds. One is, that as religion must be taught, and as it is a great public safeguard, it is wise to interweave it with people's earliest feelings and ideas; the other, that at least this being the opinion of almost our whole population, it is in vain to attempt any other system. The baffling difficulty is how to get this principle carried into operation. Each sect thinking every other sect religiously wrong, nobody has yet shown *how* all sects can be taught religion at the same school. This problem has been thought to be practically solved at one or two schools; but only in circumstances so peculiar as to make these schools no general types. Those who (like me) desire this difficulty to be overcome, but do not see how it can be accomplished, may, when the experiment shall be properly tried, be found to have been alarmed by groundless fears; but as yet these fears seem more reasonable than the opposite hopes.

I anticipate that in so far as concerns Scotland

which has so often set the example to England, this great subject will soon be brought before Parliament.

I earnestly hope the aim will be to attain all the present good *that is attainable*. Nothing is more common and distressing than to meet with men, otherwise right minded, who, in the pursuit of what they deem the true principle, resist everything else. I am against letting another generation grow up in ignorance, while philosophers, zealots, and optimists fight about the principle that is theoretically the correct one.

28th February 1854. Brewster has an article on Arago in the last number of the "North British Review" (No. 40, article 7). Speaking of Arago's experience of the "state of civilisation in Spain scarcely fifty years ago," the reviewer says "In 1807 the tribunal of the Inquisition still existed in Valencia. It did not, it is true, condemn its victims to be burned alive; but a woman having been accused of sorcery, it was decided by that terrible tribunal that she should be paraded through the streets of the town sitting upon an ass, with her face turned to its tail, and having the upper part of her body naked to her girdle. The poor woman was smeared with honey, and when a drapery of hen's feathers had been thus made to adhere to her body, she was exposed to the gaze and ridicule of the mob." Now I think it not amiss, as a fact in the history of the changes that I have known, to record

that *worse* than this was practised in Scotland since I remember. It was *common* to punish female delinquents, chiefly thieves, by what was called "*drumming out of the town*," which was performed by marching them under a guard through the burgh by tuck of drum, under awful denunciations if they should ever return. But occasionally, when the bailies had a particularly bad character to deal with, she was sentenced to walk nearly naked, as Brewster describes. The nakedness only applied to the front of the upper part of the person, and a rag was thrown over the back, behind which the hands were tied. I once, between 1800 and 1804, looked down from the open arch of our South Bridge, and saw such a procession in the Cowgate below. Decent people seemed shocked. Some of the blackguard mob seemed inclined to cheer, and some to pelt; the lady the least discomposed, if not rather proud of her importance. I have read of similar scenes in other places; and the victims of our Scotch *autos da fe* were neither dignified by an ass, nor veiled by honied feathers. They had to trudge on foot, uncovered, as I have said, and lest the people inside the houses should miss the spectacle, a roll of the drum was given. There are people who bemoan the loss of the "good old times."

11th April 1854. A passage in the "Life of Lord Jeffrey" (vol. i. pages 307-310), has made him and me

be often referred to as favourable to a Scotch secretary. Therefore I may explain that I do not believe that Jeffrey had ever formed any other view of the subject except that the Lord Advocate was sufficiently tortured out of his health, his time, his patience, and his true usefulness, by the proper legal business of his office, without having the whole affairs of Scotland laid on his inexperienced shoulders.

For myself, I am quite clear that, whatever he may be called, a recognised and responsible manager of Scotch affairs, distinct from the Lord Advocate, would be expedient. He may be the Home Secretary, or an under Secretary, or a Lord of the Treasury, or anything else; but he ought not *as a matter of course* to be also Lord Advocate. As a matter of course. Because I can *conceive* even a Lord Advocate being a good general Scotch manager; but this must be so very rare, that for practical purposes it may be considered visionary. Besides, if the compatibility of the two offices be admitted, out of very delicacy to the Lord Advocate, he will always get both. Now, the expediency of his having both is so miraculous, that the rule should be that they are never to be combined.

The reasons for this rule all resolve into the natural unfitness of a professional lawyer for suddenly becoming a statesman. Why is it never proposed to make each successive Attorney-General the general minister for England? It is not merely that a practical lawyer,

who is habitually contemplating fees, cannot be preparing himself for statesmanship by the unfeed contemplation of public wants; but that he knows that the probable shortness of his reign as Lord Advocate makes it not worth his while, and scarcely possible for him, to acquire the public and Parliamentary qualifications of a statesman. No sane man takes the position of Lord Advocate except to get well quit of it. Now, I cannot see why the Faculty of Advocates should have a monopoly of supplying Scotland with its rulers, each duly trained or even trainable. I see no reason why the whole country should be excluded from the country's official administration. There is no fear of the public losing the Lord Advocate's services. Some people talk of the office becoming a sinecure. A sinecure! His proper official business, his parliamentary business, and his management and assistance in several, though not as matter of necessity in all, Scotch administration, are quite sufficient both to employ his time and to ruin his private practice; and at the worst, the Lord Advocate had better be idle than the country mismanaged.

Look at those who have been Lords Advocate since this century began. I have known them all well, except one. They have been fourteen in number, some of whom have held the office more than once. Of those fourteen there have only been, *at the very most*, four, who, but for the office, would have been dreamt of

by any fair and intelligent person as fitted to be the public manager of the country. Except those four, the rest, as they say of racehorses, would never have been placed. Even the four were not free from the defects naturally adhering to want of public training. Still they were men who could have been trained; and their abilities and sound objects, could they only have been in office and in parliament long enough, would have made them good general rulers. But ten bad, and only four good, in fifty-four years is but a sorry muster.

Now, all that I say is, do not confine us to this class. A peer cannot be Lord Advocate, but he may be a great public administrator. Why, then, should he not administer Scotland? A Lord Advocate may be, and since 1800 has been, ignorant and in every respect incapable, and raised to that office solely for his party services. Why should he have the Government of the country as an appendage of his party position? And it must never be forgotten that though the bar forms by far the most intellectual club in Scotland, and always contains at least a few men of considerable general powers, there is never any security that these are the men who will be selected for the party office of Lord Advocate.

LORD COCKBURN was one of the judges on the South Circuit for the spring of 1854. In consequence of slight indisposition he was able to go only to Ayr, the last town of the Circuit. The only important trial there was that of Alexander Cunningham for the murder of his wife. He was convicted, and sentenced to death by Lord Cockburn in a most impressive manner. The business had not been heavy, but when it was over he stated to a friend that this would be his last circuit—meaning that he found long trials too much for him, and that he would resign his Justiciary gown. He returned home on Friday 21st April, and, writing on the 22d, he says of this his last circuit—

"I had hoped to sooth myself under the pensive silence of venerable and fading Jedburgh, but a cold prevented me. I went only to Ayr. Our last criminal case (one of murder) was over about two o'clock of the afternoon of Thursday the 20th. I left Lord Ivory to try a civil cause, and, passing by the back of the Court, found myself on the sea-shore. It was one of the finest days even of this unsurpassed spring. The beautiful bay of Ayr could scarcely have been more beautiful. The advancing sea was insinuating its clear waters irresistibly yet gently into the innumerable little holes and channels of the dry sand. Few

people were out, but plenty sea-fowls playing on the beach, and in the air, and with the long soft waves. Three white-skinned boys were bathing. No ship, not even a boat, was visible. There was no sound, except of an occasional hammer by a few lazy masons who were pretending to be repairing the point of the pier, the ring of whose implements only deepened the silence. The picture of repose was complete on reaching the pier, every projecting point of which was occupied by one or two old bodies of rod-fishers, who were watching the bobbing of their corks as attentively as slumber would allow. They caught nothing, and said they would not till it should rain, which it had not done for six weeks; so the very fishes were at rest. It was all a refreshing contrast to the heat and the crowd of that horrid court."

He was seized with serious illness on Sunday the 23d, and, rapidly sinking, died at Bonaly on the morning of Wednesday 26th April 1854, in his seventy-fifth year. On the 1st May he was (in a strictly private manner, according to his directions) buried in the Dean Cemetery, Edinburgh, near Lord Jeffrey and the tombs of Rutherfurd and Thomas Thomson.

THE END.

APPENDIX.

A LETTER TO THE LORD PROVOST ON THE BEST WAYS OF SPOILING THE BEAUTY OF EDINBURGH.

BY LORD COCKBURN.

My Dear Lord Provost,

I have often blamed myself for not conferring with my fellow-citizens, quietly, and in the only way that I now can, on a matter so entirely disconnected from faction and agitation, as the preservation of the beauty of our town.

In doing so at last, to whom can I address myself so naturally as to the Chief Magistrate?—whose duty it is, and whose inclination it ought to be, as I know it is your Lordship's, to protect us from hurtful projects, and from hurtful indifference.

Yet I have nothing new to say, and probably nothing old that is much worth saying. But an alarm, which has long possessed me, about the ultimate fate of Edinburgh, is gaining strength; and therefore I may perhaps be excused if I presume to call the attention of the well-disposed, and especially of the public authorities, to their prospects and their duties, in relation to the perpetuation of what chiefly distinguishes this place.

I am very unwilling to believe that there are many here to whom this is a matter of contempt. There are undoubtedly some—some who see nothing valuable in a city except what they think convenience. To these people taste, or at least the

abstinence from desecration which taste sometimes requires, is ridiculous and odious. They hold a town to be a mere collection of houses, shops, and streets; and that, provided there be enough of these, duly arranged on utilitarian principles, all anxiety as to whether the result shall be a Bath or a Birmingham, is mere folly and affectation. If it were proposed to erect a distillery on the summit of the Calton Hill, or to dignify the top of Arthur Seat by a pillar (which indeed has actually been proposed more than once), these schemes would certainly find supporters. And if these supporters could connect their schemes with any particular object of their own, it is mortifying to think what a number of adherents they might get; and by what a quantity of confident and plausible nonsense their plan would be defended. But though this class exists, and from its activity and imperviousness is always to be feared, I see no reason to suspect that it forms anything like the majority. If it did, it would be all over with us. But the majority seems to me to be sound, and not to have often erred except from being left uninstructed.

That majority agrees with me in thinking that, of all his external blessings, there is not one which, to a right Edinburgh man, affords such constant delight as the various aspects, inward and outward, of his beautiful city. There may be few of them who care to consider what it is that causes their pleasure, or what would extinguish it; but they are conscious of it, and it is their hourly luxury. These persons could not think without sorrow that what they, in their day, have been so intensely admiring, may be all obliterated. And there is a still greater number, who are less moved by this enjoyment, than by a just and useful civic pride.

I wish I could impress upon them, and indeed upon the whole community, the fact, and its consequences, that, for its public importance, Edinburgh, except its beauty, has really very little to depend upon.

It has little trade; which, in some views, may be a misfortune. Mercifully it has almost no manufactures,—that is, tall brick chimneys,—black smoke;—a population precariously fed,—pauperism, disease, and crime, all in excess. Some strange efforts have occasionally been made to coax these things to us; but a thanks-deserving Providence has hitherto been always pleased to defeat them. For though manufactures be indispensable, they need not be everywhere. Blight should be confined to as few parts of the field as possible. There should be Cities of Refuge. Hence the envy which it is said that Perth sometimes has of Dundee, is nearly inconceivable. One would have thought that there was no Perth man (out of the asylum) who would not have rejoiced in his unstained tranquillity, in the delightful heights that enclose him,—in his silvery Tay,—in the quiet beauty of his green and level Inches. Yet it is said that some of them actually long for steam engines on Kinnoul Hill, and docks, and factories, and the sweets of the Scouring burn. But I do not believe this. It is incredible. Long may both they and we be spared. We have better things to give us an interest.—Chiefly some traces, the more interesting that they are faded, of the Ancient Royalty and national independence of Scotland, and of a once resident nobility;—the seat of the Supreme Courts of Justice;—a College of still maintained celebrity; and our having supplied a greater number of eminent men to literature, to science, and to the arts, than any one town in the empire, with the single exception of London.

But none of these things, nor all of them, make it Edinburgh. Other places have some of them, or greater attractions. But no other place excites the same peculiar interest. Deducting foreign students, there is probably not one stranger out of each hundred of the many who visit us, who is attracted by anything but the beauty of the city and its vicinity.

It is not our lectures, nor our law, nor our intellectual re-

putation, that give us our particular fame. It is our curious, and matchless, position,—our strange irregularity of surface, —its picturesque results,—our internal features and scenery, —our distant prospects,—our varied, and ever-beautiful neighbourhood,—and the endless aspects of the city, as looked down upon from adjoining heights, or as it presents itself to the plains below. Extinguish these, and the rest would leave it a very inferior place. Very respectable; but not what it is.

These natural advantages have been improved by modern art. Holyrood, though not in such bad company as it lately was, is still polluted by the almost actual contact of base works and houses. And the Castle is still allowed to be degraded by dull walls and hideous roofs. But these evils are old. The better modern spirit is manifest and gratifying. Heavy uniform lines are rapidly breaking into variety; scarcely a street is contented without its ornamental edifice; respectable chartered companies, with a proper social pride, vie with each other in the splendour of their offices; sculpture aids architecture; and, besides handsome secondary buildings, there are several of a higher character, and of the greatest excellence. The High School, Victoria Church, Scott's Monument, and the Portico of the Commercial Bank, do honour to their respective designers, Hamilton, Graham, Kemp, and Rhind;—while the interior of the College, the Terrace and Lodge of Heriot's Hospital, Regent Terrace, the Royal Terrace, the Royal Institution, the Free Church College, Stewart's Monument, and especially Donaldson's Hospital,—of itself sufficient to adorn a city,—attest the genius of Playfair, and make Edinburgh his trophy. The approaches to the town are all admirable. We can never be too grateful to the Commissioners of Woods and Forests for their operations on Arthur Seat and Salisbury Crags. They have not merely given us a magnificent drive, but have cleared and purified the whole Park, and put it under keeping which secures its preservation

and comfort. The Mound,—that receptacle of all things,—has long been disreputable. But it will be so no more. If we could have been sure that its surface could have been kept permanently open, the propriety of erecting *anything* upon it would have been more than questionable. But it was idle to hope that such a space, in the heart of the town, and in the state of the municipal finances, could have been long preserved free. It is fortunate, therefore, that it has been acquired by Government, and that it will soon be adorned by the least obstructive, and the most elegant, gallery for art that can be procured. Art, of which the brilliant rise within these thirty years is the most striking circumstance in the modern progress of Scotland, will then be accommodated as it deserves, and will grace what contains it. This is the next great step in the architectural advance of Edinburgh. We owe it entirely to Mr. William Gibson-Craig; whose merit as a citizen, a representative, and a public officer, this is not the place to do justice to. The improving spirit has evinced itself in nothing more agreeably than in the reformation of our last homes. The contrast between the old loathsome town churchyards, and the recent spacious, pure, and breezy cemeteries, is creditable both to the taste and to the feelings of the age.

Since Edinburgh has so much beauty, and depends so entirely upon it, we might have expected that there would be a strong general resolution among the inhabitants to protect it. Such a popular watchfulness is common on the Continent, where buildings, and parks, and works of art, remain safe for generations, under little protection beyond the attachment of the people. Is there such a feeling in this place?—I hope there is. But if there be, it is surely very timid. There is an abstract aversion to have the town spoiled. There are few who, when they hear of something horrible, do not say, listlessly, that "*it is very wrong*,"—and "*a great pity*,"—and that they "*wonder why it is submitted to*,"—and "surely somebody

will interfere;" and then they cast the matter from them, and can never be made to stir a finger about it. Meanwhile the mischief proceeds. Of those who are known by their works, there are some (and generally the same) individuals, who are always to be relied upon. It would be a pleasure to name some of them; but I fear that they might not like the publicity. But I cannot resist mentioning Dr. Neill, because he has often come forward, openly, in this cause. Witness his unaided and successful defence of the Flodden Tower. These persons can best tell whether they blow a cold, or a hot, coal, when they try to kindle a right spirit in a collision between folly and the public interest. They never find much, or any, disinterested opposition. The mere feeling, where it is impartial, is always towards what is right. But they are chilled by the aversion to action; an aversion not unplausibly represented by spoilers as proceeding from agreement with them, or at least from indifference.

Almost the only occasion on which I remember a proper practical spirit being shown in opposition to what was thought injurious to the beauty of the town, was in 1817, against the North Bridge Buildings. It is all one which party was right. The public feeling at the time was that the proposed erections would obstruct some striking views, chiefly one from the Calton Hill; and, under this impression, the inhabitants, not content with sighing and bemoaning, girt up their loins and gave battle. They were defeated; but they fought. The fact that, in defence of the scenery of the city, a great public meeting was held, at which John Playfair presided, and Henry Mackenzie spoke (saying that he was no orator, but that *facit indignatio versos*), was worth the whole affair. I do not mean to recommend perpetual agitation; especially as agitation has always two sides, and the loudness may be in the one, while the sense is in the other. What I want is, to encourage the formation of correct opinions, and of a right spirit over the

community; so as to secure the existence of a general and intelligent attachment to what is essential to the city. If devotion to the beauty of their town was known to be a part of the nature of the inhabitants, it would operate preventively, and would very rarely need to be called into action.

Part of people's habit of passive acquiescence arises from an idea which we often hear broached, that nothing that can be done can materially hurt us. This scheme they admit to be absurd, and that one to be disgraceful; however, "*Let them do what they like, they can never spoil Edinburgh.*" This lazy notion rests chiefly on the singular inequality of our surface, which, it is supposed, must always prevent our prospects from being excluded, and must preserve many striking internal features. There is no truth in this whatever. This place is not exempted from the doom which makes everything spoilable. Nothing would be easier than to reduce the town to mere rows of vulgar double-sided streets. Look at the steep sides of the ridge between the Castle and Holyrood. If anything could baffle a mason, these deep slopes should. But every inch of them is crammed; and with the loftiest houses. Eminences are as ready receptacles of ugliness as of ornament; and they make both equally conspicuous. If your Lordship wishes to see how a coigne of vantage may be made use of for prominent deformity, raise your eyes to the Bank of Scotland, and to Nelson's Monument.*

But the true way to settle whether we be so safe as that we can afford to be indifferent, is to recollect some of the dangers from which we have, and some from which we have not, escaped. And there cannot, on other accounts, be a more useful review. For it is wonderful how soon unrecalled warnings are forgotten. There should be an Ædilian survey of

* This monument to a dead hero, has a tavern, or at least a refection shop, in its inside. It is probably the only monument in the world that is let; and where honour to the dead is combined with feasting for the living.

what has been done in towns every ten or twenty years. I lay aside scores of lesser absurdities; and select only a few schemes which were all vital, and all alarmingly supported; it is unnecessary to say by whom.

It is now scarcely credible, that, within these few years, the following projects were not merely propounded, but urged, and some of the worst of them within an inch of being carried.

1. Within the last forty years the Castle Hill was a very narrow ridge. The present esplanade was not made, and there was no enclosure on either side. There was nothing to obstruct the view between the hill and Princes Street. Not a shrub. It was all open. What are now gardens, planted and maintained by a local assessment, and consequently most justly enclosed, was a fetid and festering marsh, the receptacle for skinned horses, hanged dogs, frogs, and worried cats. The green bank of the Castle Hill was the only ground that the eye could rest upon with pleasure. It was in these circumstances that it was proposed to *have a row of about* 20 *or* 30 *little detached brick cabinets, a few feet down the slope, on the northern edge of the hill.* Each was to be entered by an eastern door; to have a slate roof sloping to the west; and a hole in the wall, for a window, looking towards Princes Street. I forget whether the consent of the Ordnance had been obtained, or was only expected, or had been overlooked. But the plan was so seriously persevered in, that if it had not been for the active and indignant vigour of Lady Mary Clerk (of Pennycuik), who lived right opposite, it would apparently have been executed. But this able and peripatetic lady poured out her expostulations and ridicule so energetically that she raised a sort of Princes Street rebellion, and defeated the measure.

2. One of the most fortunate peculiarities in the composition of the site of Edinburgh is the valley between the new and

the old parts of the town. For effect, the deeper this valley can be kept the better; especially towards the east, where its depth is indispensable for that most curious of all city scenes, the northern slope of the old town. But there was a scheme, still fewer years ago, of *filling this part of the hollow entirely up; and it actually was filled up to the extent of from* 16 *to* 20 *feet.* This operation occupied about a year; amidst the perfect silence of the spectators. I ventured to remonstrate with the Lord Provost; and his answer was, that if, as he expected, it was brought to the level of Princes Street, it would be the most valuable building ground in Edinburgh. So it would. But where would Edinburgh have been? This fatal design was stopped by the arrangements connected with what is known by the name of the Improvement Act.

3. Another thing included in these arrangements, was the absolutely insane project of *building houses along the south side of Princes Street;*—that is, of utterly and for ever cutting off the view of the old town, including the Cathedral and the Castle; and this by converting the magnificent terrace of Princes Street into a very commonplace street. This atrocious conception was well encouraged. That large, but since rather penitent, portion of the public, who were then eager for the success of the Improvement Bill, on its own account, loudly backed its inventors. And it was owing entirely to the firmness of a majority of the Faculty of Advocates, who refused to suspend their exemption from local taxation unless the fancied (but utterly groundless) power of closing up Princes Street was put down permanently by statute, that the accursed imagination was not realised. Those who have succeeded the struggle, and only enjoy the victory, can hardly persuade themselves that there could have been sincerity in so infernal a machination. Those who remember the battle, have scarcely drawn their breath freely since.

4. The Calton Hill is the glory of Edinburgh. It has excellent walks; it presents us with the finest prospects both of the city, its vicinity, and the distant objects; and it is adorned by beautiful buildings, dedicated to science and to the memory of distinguished men. The monuments of Stewart, and Playfair, and Burns, are there;—the High School; the Astronomical Institution; and that striking fragment of the Parthenon,—begun to be revived upon a site nobler than that of the original,—and which I can never permit myself to doubt that some future generation will complete. And there is nothing at present to degrade. That sacred mount is destined, I trust, to be still more solemnly adorned by good architecture worthily applied. So as the walks, and the prospects, and the facility of seeing every edifice in proper lights, and from proper distances, be preserved, and only great names, and great events, be immortalised, it cannot be crowned by too much high art.

Well,—but your Lordship cannot have forgotten that, within these twenty years, *certain persons wanted all our public executions there.* They pretended that these terrible legal sacrifices, far more frequent then than, happily, they are now were connected naturally with the Jail; and that, as the ancient Heart of Midlothian had been removed from the old town to a street close beside the Calton Hill, the exhibitions ought to follow it; especially as, while the ceremony was performing on the roof of the prison, the spectators, instead of being crushed into a street, could see it comfortably from the hill. It would be idle to examine the reasons that were clamorously urged in support of a change which was to remove the most odious, and the most rabble-collecting, of all spectacles, into the most decorated and thoughtful spot in the whole city. The pretence was, the connection between the place where a criminal is confined and the place where he is killed;—a connection entirely fanciful, as both Tyburn and the Grassmarket vouch. The

truth was, that those on whose district the misfortune had fastened wished to rid themselves of a nuisance they had submitted to long enough. A strong reason for them; but all the weaker for others. Yet the alteration was so nearly resolved upon, that I think I could name the very case that was to have set the example. But we were saved by the Lord Justice-Clerk (Boyle) and the Court of Justiciary; who, acting judicially, adhered to the ordinary style, and ordained the sentence to be carried into effect "at the *usual* place of execution."

5. It is hardly worth while noticing a recent plan for converting Bruntsfield Links, one of our principal fields for popular recreation, into the place for our great annual fair; because it was speedily abandoned; though only because the dealers disliked it. But a kindred scheme, of turning the space between Scott's Monument and the railway *into a vegetable market*, was very nearly successful. Now this space is very conspicuous; it almost touches the monument; and it forms a portion of the valley; which, abused though it has already been, may yet be partially rescued by purity and neatness. Yet upon this spot was it most seriously wished to fasten a vegetable market! A walled, and paved, acre or two of booths and stalls; rotten cabbage, and bruised onions; cripple carriers, with nasty baskets,—old female hucksters, and wrangling! We shall be better able to appreciate this design, after the ground shall be laid out, as it soon will be, by the taste of Mr. Cousin, and we then fancy what it might have been.

6. Nobody knows better than your Lordship the various devices for *widening the North Bridge*. The appetite of my worthy townsmen for wide streets is sometimes rather extravagant. The torrent of life rolls far more rapidly at Temple Bar in London, and even in Argyle Street in Glasgow, and in many other as narrow places, than it does on our North Bridge:

yet, on the whole, the walkers, and riders, and drivers, pass in very reasonable safety. But our New Town gives us a taste for streets of grand and melancholy solitude.* However, let the bridge be widened, by all means, since many excellent and sensible people desire it, *if this be possible without greater injury than gain.* But the injury will be greater than the gain, if one jot of the prospect *of the bridge, or from it,* be impaired. It is an essential spot. There is no rival to it within the town.

Now, most of the plans had the serious, and probably the unavoidable, defect of great lateral projections; with very questionable effects on the bridge's appearance. Others were liable to the absolutely conclusive objection, that they implied closing up the arches, by solid buildings from the ground. And one, which was patronised by most respectable people, but not encouraged by the Council, announced the horrific project of not only closing the arches, but *of raising a row of shops on each side of the street.* The objection that the view would be destroyed, was met by the idea of leaving a central opening on each side (to be called Prospect Hole, I suppose), through which the passenger might peep. The railways have hitherto stopped some of these ideas, and want of funds all. If the object be ever revived, two conditions should be sternly observed;—one, that whatever injures the external appearance of the bridge should be adopted very cautiously; the other, that whatever obstructs the view ought to be at once, and utterly, rejected.

We have been preserved, though fearfully, from these imaginings. Therefore, is it often said, we never need be afraid. Let us look, then, at what we have *not* been preserved from.

Sir Walter severely condemns what he calls "*the hideous mass*" of the Earthen Mound, and the removal of the old Cross, which he says was done "*on the pretence*" of widening

* I have heard of a foreigner who lately supposed that the chairmen were hired to stand and represent population.

a part of the High Street. But as these were not the doings of our generation, we may let them rest.—Only, if it be true that the materials of the Cross are still extant, and that it could be all replaced for a very small sum, would it not be worthy of your Lordship to take the lead in getting it restored? But let no Provost try it who has not nerves for the wide street outcry. Still there are some sad things for which the present generation is responsible.

1. *Look at the west side of the Castle and shudder.* No doubt it was Government that reared the factory-looking erection which deforms the most picturesque fortress in her Majesty's British dominions, by the most audacious piece of abomination in Europe. But was Government instructed? I have been told that there was not a public murmur at the time. At anyrate, there it is,—lofty and offensive;—the disgrace of those who set it there, and not to the credit of those who allow it to remain.

2. I doubt if it be forty years since the *Parliament House* stood, venerable in its old gray hue, and with its few, but appropriate, ornaments;—the very type of an ancient legal temple. What is it now? For the modernising of it, who ever heard the shadow of a decent pretence?—That there were paltry wrecks beside it, which it was impossible to save, was only an additional reason for leaving this entire and well-placed historical structure as it was. It dignified the whole vicinity, and would have earned the greater reverence, as what was near it got newer.

3. When the *College* was begun, it was in a large piece of nearly open ground; laid out chiefly in gardens. There were no houses on its eastern or southern sides; nothing on its west side except rubbish, that could easily have been bought; and nothing on its north side that did much harm. It might

have stood, though rimmed by street, with much turfed and shrubberied space beyond this rim; with little noise; and the possibility of being seen. It is now jostled by houses all round; without a foot of soil except what it stands on. To be sure, the spare ground could not have been kept clear without a price; and, considering how long and ominously the College itself remained unfinished for want of funds, nobody perhaps is blameable for its present state. But it is an example, and a striking one, of danger that might have been avoided, and of the imprudence of letting such things take their own course, and trusting to accidental deliverances. What has happened should either have been foreseen and prevented; or the College ought not to have been placed where it is, and probably would not. As it is, it is nearly lost, externally, as an ornament.

4. Those by whom, or for whom, *the railways have been allowed to get into the Princes Street Gardens* will, of course, justify, and affect to applaud, that permission, and this even on reasons of taste. The rest of the world is very nearly unanimous in condemning it as a lamentable and irreparable blunder. It greatly diminishes the ornamental space; it disturbs and vulgarises what remains; it has introduced into ground by far the worthiest in the whole city of protection, parties who must always have a strong and restless interest hostile to all the interests of taste and recreation. Mr. Adam Black, one of the very best and most justly respected Chief Magistrates that Edinburgh ever saw, surprised many of his friends by giving it as his opinion that this valley was apparently intended by nature for the floor of a railway. In point of elevation and shape, this was true; as it is of every stripe of solid surface, enclosed or open, decorated or bare, of which the level fits the *datum* line of the intended work. But I have good reason for believing that this most judicious and

patriotic magistrate meant to confine his opinion to the *mere passage* of the railway, and never intended to express any approbation of those worlds of stations, and booths, and coal depots, and stores, and waggons, and stairs, by which the eastern portion of the valley has been nearly destroyed, and its character practically extinguished. 'We are told to console ourselves by removed shambles, the comfort of railway travelling, and the certainty that at least the hollow cannot now be filled up. But this certainty had already been obtained by statute. The shambles would have been removed, though not quite so soon, although no railway had purchased them. And no one does, or can, believe, that though this ground had been refused, Edinburgh would have been without a sufficient railway. At anyrate, if what has been done injures the beauty of the town, I listen to the plea of convenience nearly as if it were urged in recommendation of a crime.

5. Edinburgh, the scene of so much history, used to be so full of historical remains, that several minute and curious works (such as those of Chambers and Wilson) have not exhausted the accounts of them. Many of them are gone, and many are going. The antiquarian soul sighs over their disappearance, and forgives nothing to modern necessities. Where they are private property, which no one will purchase to preserve, they must be dealt with according to the pleasure of the owner. Thus many interesting memorials perish, the extinction of which may be regretted, but can neither be blamed nor prevented. But public memorials ought never to be sacrificed without *absolute necessity.* Edinburgh contained two of these within these two years,—Trinity Hospital and Trinity College Church.

The *Hospital,*—a retreat for a few aged and decayed male and female burgesses, or members of their families, was nothing outside. But the door was no sooner opened than a

different world appeared. Internally, it was the most curious place in Scotland. Everything about it, both in its structure, its apparatus, and its economy, was odd and ancient. Nothing living could be seen in this country, so like what we fancy to be a former age. If John Knox could have been replaced at the dark sacramental table there, which was said to have been his, I do not suppose that much more would have been requisite in order to set his very day, in so far as that day would have appeared within this hospital, before us. It contained nothing, except perhaps a few old books and portraits, that were of any intrinsic value, or that can ever have the same effect elsewhere; but, placed as it was, everything was appropriate and strange. Time, in its passage over Edinburgh, had left no such picturesque living deposit. This relic is now annihilated;—not by fire, or flood, or earthquake, or natural decay. It was knocked to pieces about two years ago, to accommodate a very respectable company of carriers!

So was *the Church*, which stood hard by;—a far more scandalous desecration. It was not only the oldest, but almost the only remaining, Gothic structure in Edinburgh; and those who understood the subject, revered it as one of great architectural interest. Though never completed, what was of it was quite entire; in so much that a congregation met in it. The presence of such a building honours a city. It was imputed to it that it was ill formed and ill placed for modern use. Both true; but they are objections that enhanced its importance. They disconnected it from modern times, and uses, and associations, and left it to be seen and felt solely as a monument of antiquity. Of what *use*, in the sense of these objections, is any ruin? Yet this church was sacrificed, not to the necessities, but to the mere convenience of a railway. The railway had been finished and was in action. But it wanted a few yards of more room for its station, and these it got by the destruction of the finest piece of old architecture in Edinburgh.

The spirit that did this, or that submitted to it, would carry a railway through Pompeii. The Antiquarian Society, the natural protector of such things, and which has so often honourably distinguished itself in their defence, aided by a few rational individuals, resisted, as much as reason could at that time resist, millions of pounds. But part of the public was under the railway fever, and the rest, as usual, slept. If the people of Edinburgh had known their true interest, they would have risen in defence of their greatest local treasure.

But they got the comic consolation of a clause in a statute, which provides that there may (or is it shall?) be a new church, in "*the same style and model*"! Accordingly, the old stones have been preserved, and we may have the original structure after all. We are to build a new old building. The reverence of four centuries, attached to a structure on one spot, is to be transferred, according to order, to the materials of a similar structure on a different spot. Are not the stones the same? And what is a building but stones? Provided we have the materials, what does it signify whether the Temple be left in Jerusalem or removed to Paisley? It is very right to keep these stones, and very right to use them; only don't let us hear of this as an extenuation of what has been done. "The glory of a building is not in its stones, nor in its gold. Its glory is in its age; and in that deep sense of voicefulness, of stern watching, or mysterious sympathy, even of approval or condemnation, which we feel in the walls that have been long washed by the passing waves of humanity." (Seven Lamps of Architecture.)

6. And our *Trees!* where are they? There is no element in the composition of town scenery so valuable; and I could name at least eight, but more probably a dozen, of places, all within the city, that I remember being graced by very respectable groups of them, well placed, and well growing. Had

not beams been the only forms in which house-builders like wood, the whole of them might have been preserved. Not a twig of them lives. On the Continent (where, however, shade is more necessary than here) they rather turn a street than destroy a branch. We have more wood now than formerly; because we have the Princes Street and Queen Street Gardens, and one or two planted squares; particularly George Square, the most favourably circumstanced, and the best done of them all. In time these may make us better foliaged than ever. But their wood is infant; and at any rate its existence was no ways incompatible with the preservation of our old trees. And they are all enclosed. There seems to have been little perception of the peculiar beauty of street trees, or even of a single tree, in immediate connection with building. The system has been to massacre, or so treat as certainly to kill, every outstanding stem. I can't recollect any Edinburgh tree finding a public defender. And at this moment, because the enclosed trees along the edge of Princes Street have not had time to reach a height sufficient to let objects be seen between their trunks, but happen to be at that stage of their growth at which they interfere a little with the sight of the Castle Rock, nothing is more common than to hear it proposed to cut them all down. I would as soon cut down a burgess without a fair trial and a verdict, as a burgh tree. And even with such a law, the tree, I fear, would require many peremptory challenges of the jurors.

7. The Calton Hill, rescued, a few years ago from one pollution, has, within these few weeks, been doomed to another; which, though comparatively slight, and humanely meant, is to be greatly regretted. A part of its higher ground has been set aside for *a public washing green*. Not for a mere drying-field; which the whole hill has always been,—and which only requires air and sun and grass; but for both drying and

washing. What does this imply? It implies water led to the place artificially; consequently pools; rows of posts, seldom perpendicular; lines of ropes, rarely tight, always broken, and never well tied; rows of worn-off turf, that is, of splashy mud, below these lines; stones, to keep what is spread out steady; articles, whether spread out or hung up, not suggesting pleasing reflections; fires, scorching the turf, and leaving their ashy residues; inverted tubs, on which sit, or thin yellow blankets under which cower, the decorous matrons and timid virgins who watch the habiliments;—whose eloquence let no prudent passenger provoke. No one can have a stronger desire than I have for the comfort of the lower orders; for whom scientific washing-houses ought to be provided. But it is not inconsistent with the sincerity of this feeling to express a doubt whether the Calton Hill be a proper place for this exhibition.

8. As, while I presume to criticise what is past, I decline mingling in any existing fray, I would not refer to the *General Register House*, did I not believe that the question about its Screen is settled. And I refer to it merely because it affords an example of the perfect ease with which it can be proposed to sacrifice the greatest ornament to the slightest comparative convenience. Architecturally, that screen is the building.—It is handsome in itself, and absolutely essential for the edifice. Its architect placed it there as the principal feature of his work; and it is the most conspicuous ornamental object in the town. When Waterloo Place was made, a few years ago, it was either brought forward so as to narrow, or not kept back so as to widen, the head of Leith Street. To correct the error, an outcry was lately raised in favour of mangling the innocent screen. Some wanted it narrowed? some would have liked one angle of it cut off; and many would have shouted if they could have seen it all taken away. Public meetings were

actually held in furtherance of these views. The better feeling was decidedly against them. Was there any meeting in defence of the screen? *Not one.* But, though abandoned by ourselves, the Treasury (as I understand) did itself honour by resisting such sacrifices, for such a purpose. But an arrangement was necessary, or at least was made so, for placing Steell's noble statue of the Duke of Wellington in front of the building; and, in order to accommodate a piece of sculpture which will adorn not Edinburgh alone, but Scotland, a concession has been made, which involves a slight recession of the screen. That this, though very dangerous, will, on the whole, be an improvement, I cannot doubt, because it is sanctioned by those on whom I rely. But the important part of the matter is, the extent of what was demanded, and its object. It was not a retirement of six or seven feet, for a statue of a high order, that was wanted; but the virtual destruction of the screen,—and this for the widening of a wilfully narrowed street. Not a scruple seemed to be felt for the architecture, or the reputation of the architect. And, after all, the street is wider than many far more crowded thoroughfares. The streets on each side of St. Paul's are, or at least were, narrower than our Leith Street; but I am not aware that it was ever proposed to widen them by taking a slice off the Cathedral, or even of the screen that surrounds it.

These, my Lord, are examples of the best modes of spoiling Edinburgh. They are all good; some perfect. We have hitherto survived them; and, on the whole, the place has even increased, and is increasing, in beauty. How much better it would have been if certain things had not been done, is a different question. But let no one delude himself with the notion that past escapes are proofs that we shall escape always. The permanence of the danger is certain: each escape doubtful. Looking at things as they are, we may see no mis-

chief that is probable, or near. But we must give mischief time. How will Edinburgh look in 1949, or 2049? Periods far off to us; but they will arrive; and those who live then will wonder how any other periods were ever cared for. How will it look one hundred years hence? I hope well. But I see hurtful temptations at many points. At so many, that, if not resisted, they must make all that those then alive may read or see in pictures, of what Edinburgh once was, incredible and incomprehensible.

Intentional injury can be imputed to no party, public or private. No such wicked or meaningless motive exists. Our danger has always arisen, and will ever arise, from three plain and intelligible causes:—

1. From unfortunate incompatibilities between private and public interests.—A man is the owner of a conspicuous position, which it is desirable should be left open, or occupied by something handsome; but on which it suits him to set up something very bad. As there is no fund for buying off ugliness, there is no remedy (except under what follows) for this case.

2. From that bad taste (that is, ignorance) in proprietors, which leads them wrong, even when they are disposed to go right.—This is a very common misfortune in all places; and not more frequent here than elsewhere. On the contrary, there is generally a salutary ambition here to aid the general decoration; as the reconstruction of every broken-up front shows. We are immeasurably indebted to the higher class of chartered companies, both for their buildings and their examples. Individuals cannot rival their edifices; but they can learn the important, and scarcely understood, truth, that there is no ornament so beautiful as Proportion; and that it is just as cheap to build in proportion as out of it. It is a

mistake to suppose that a beautiful form cannot be as easily cut out of coarse hodden gray cloth, as out of the finest silk.

3. From the inconsiderate use made of their power by public bodies, and chiefly by public authorities.—They are the administrators of the largest portion of the most important ground; what they do is generally done on a large scale; and their better judgment is apt to be tormented by absurd schemes and claims. The only remedy besides public control, for this, is, that they should work the principle, that the beauty of the town is paramount to every other consideration, into the very fabric of their official hearts.—If they cannot direct themselves by this star, and forego inferior objects, and become impenetrable to the demonstrations and seductions of selfish projectors, they are unfit for their places.

I am not aware of anything that can be done to counteract these tendencies, except to instruct the taste, and to direct the attention, of the people. Pride in the beauty of the place should be the *Genius Loci*. There should be such a quick defensive jealousy, that no one could meditate mischief without considerable despair. The known prevalence of this feeling is our quiet and natural security. It supersedes much discussion, and all unkindly sentiments, and all angry words.—And not merely the feeling, but the intelligence necessary for its application, may easily prevade a whole community. At any rate, a population is in a bad state which does not contain minds fit and willing to guide it on such matters. Edinburgh is not in this condition. Besides much general intelligence, it is the seat of very considerable and rapidly-rising art; which has never withheld its aid in any of its departments. Even its sons who have been allured from their native city by the larger market of the South, continue to do what they can for the improvement of the scenery which first excited them. It would be unjust not to mention David Roberts,—the first

architectural painter alive,—who has repeatedly given important suggestions, and may always be depended upon for his invaluable co-operation.

But no good can be done unless both the advisers and the advised act on the principle, that the preservation of what constitutes the peculiar distinction of the city, is to be held as *in itself an ultimate end.* If they do not, the success, or the suppression, of any given absurdities will be made to resolve into concessions and compromises; and in the adjustment of these, the true rule being let down, interest, with its zeal, will make error prevail. Each matter must be taken up as good men take up a principle of moral duty,—not to be modified according to slight convenience,—or scarcely even to be reasoned about,—but to be assumed, and peremptorily acted upon.

Against power or right, this must often fail. But in Edinburgh the power and the right are chiefly in the hands of the Town-Council, or of public bodies where Town-Councillors prevail. Let us hope that the true friends of the city will always find a cordial ally in that body. This is a matter not connected with party, or polemics, or anything that ought to irritate. It has the strongest claim on the care of our municipal guardians. It brings its own immediate, and visible, reward. If I had the honour of being in your Lordship's position, there is nothing that could haunt me so bitterly, after my reign was over, as the just imputation that I had either been accessary to impairing the beauty of the town, or that I cast away any opportunity of improving it. It is impossible for every chief magistrate to rival the boast of the Emperor who said that he had found Rome of stone, and had left it of marble; because this can only be done once. But I have known few Provostships where projects injurious to Edinburgh,—whose beauty is its existence,—have not been proposed, and alarmingly patronised; and these it *is* in the power of every chief magistrate to distinguish himself by

withstanding. He will never fail, if he does so honestly. I have the utmost confidence in your Lordship, and consequently in your Council. If a shade of doubt ever comes over me, it is solely from a fear lest you should fall* into the common and very natural, but dangerous, error of letting yourselves be misled by a desire to conciliate those who, though always the most clamorous, are not always the most disinterested, in these matters. However, if any case of threatened mischief should occur, I shall confidently expect an announcement of principle that shall do honour to the existing magistracy, and be an example to all future ones. Do not go out of office with a monument to your discredit in any part of the city. I am told,—but I do not know it, and therefore do not assert it,—but *I am told, that there is one threatened on the Castle Hill at this very moment.*

There is one apology certainly for Chief Magistrates and for Town-Councils, which it would be wrong not to state. *They are rarely duly supported, or duly checked, by the right-minded portion of the public.* The contrast between the strong and sound opinions that one hears expressed privately, and the habitual abstinence from public action or even declaration, is distressing and humiliating. Till the inhabitants of sense shall give up this ruinous and contemptible practice, they do not deserve what they enjoy. And it is very hard on those in your Lordship's place; who, with your Council, are thus left to combat mischief, unaided by the community; or have the sadder fate of being left to do it yourselves, uncontrolled.

I have the honour to be,

Your Lordship's faithful well-wisher,

H. COCKBURN.

* As in the case of the washing-green.

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